

**10/21/77**

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THE PRESIDENT'S SCHEDULE

Friday - October 21, 1977

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7:30 Breakfast with Vice President Walter  
F. Mondale, Secretary Cyrus Vance  
and Dr. Zbigniew Brzezinski.  
The Roosevelt Room.

8:30 Dr. Zbigniew Brzezinski - Oval Office.

9:00 Mr. Frank Moore - Oval Office.

9:10 Senator John Durkin. (Mr. Frank Moore).  
(5 min.) The Oval Office.

10:30 Mr. Jody Powell - Oval Office.

11:00 Depart South Grounds via Helicopter  
en route Andrews Air Force Base,  
and Visit to Michigan, Iowa, Nebraska,  
Colorado and California.

THE WHITE HOUSE  
WASHINGTON

September 13, 1977

MR. PRESIDENT:

IN RESPONSE TO YOUR NOTE,  
ON THE EVENING OF OCTOBER 22  
YOU ARE SCHEDULED TO APPEAR  
AT A DNC FUNDRAISER IN LOS  
ANGELES, CALIFORNIA.

T.K.

10-22-77

LAURE FINDER

Per for Brown - Lane away  
= \$ Three Billy = CIA/FBI

Deiver = W got H<sub>2</sub>O Policy  
Gu Energy - BHTOLIVE/H<sub>2</sub>O

Monter Dobgers/Yaukes - Real

SALT = NON PROLIC = FERG

STIM = 10 → 4 = -1%

FARM BILL

Ham Rts. NOT EASY.

(ZECU/SAF = ALL LEADERS

EVERY = Low = ALIB vs 45

\$45 B > EG = LARGEST LYST.

FREEDOM OF ACTION

GUIDE VS HURT  
= MIDE = PROGRESS = 2 Roles  
CRITICISM → = PEACE =

BARBERS = TRADE =

HHH

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Housing

Minority empl.

Migrants -

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Annaly

Ethnic - Redline -

Hosp cost - Crime - Baroni

Energy shut off - \$200 M. /

Graciela Olivarez

Bilingual

Hu D Care

Doss - Detroit 5 yr plan

Dropouts - Econ base

Urban.

Prieto - 9/11 - Latin women

Child/day care BJIP

Webb 90% jobs & needy

Welfare - 14 m jobs

Frankowiak

Fox 65 → 70 ret age. Set

Chappell own homes 8

Detroit = 3:1 Gen Elect

Crime - 20% / Murder - 64% /

25 ('75) → 88 (Aug '77)

Unemp. 8% → 6%

Hernady - Food stamp reform.

Welfare reform. Hosp cost → INS

Housing & CD - Redlining.

Shaw - Consumer

Energy. rebates - insulation -

fuel costs ↓ \$100 by '85 = CSA \$100 M

Elec Rate reform.

Immig. 45% + 8 m CHAPS  
+ 500%

Chappell - (Unemp) H Start

Task Force - 4 m in pub housing

Head Start + \$120 m + 60 T child

Matthews (Unemp) b/youth

\$15 B Youth jobs + 200 T (Det 79 m)

\$45 B CETA = 1/2 minorities → 725 m

LPW 10% min (Detroit - \$54 m)

Webb (unemp) (disabled)

Fam Heads 200 T jobs Pub lks

CETA = BJIP 14 m jobs =

aged - Xbus + \$1 B mobility

Half laid off steelworkers

Fort retired  
Doss

Beef  
Beckham

Urban.

Frankowiak - low inc young

Woodard Nutrition

H & CD = \$127 0/3 yr + \$12 laid

Dis Loans for rehab (sect 312)

Prieto - young Hisp

Women - CETA = 16 Ed = day ca

BJIP + \$600 M child care

Un Rec Act 62 = \$400 m

Neighborhoods - Father Baroni

Maloney Appal poor - Ohio

Mid inc → urban → low inc

Molina Adult & Ed

Phys extenders - Migrant  
elig for m'caid

Comm Serv Admin Grace Olivarez

Regional mfg

Downtown dev.

Coleman Young - Bobby Crum -

Clyde Cleveland - Bill Marshall

Mosley Winograd - Rick Austin

Hall  
Carter Youngstown  
Polot patronage

Michaels - Computer/mentalize  
Winterization client  
utilities

EEOC / HUD / CIA  
Comm (PW)

Calder  
Alcala  
Anthony Francis  
Learning dish  
H S Ford  
Day Care  
CHAPS

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Zumwalt  
 Matthew Ridgway  
 Melvin Laird

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Gary West - Floyd Hooper  
 Pat Schroeder - Tim White  
 Dick Lamm - Sheila Fowler  
How Lifeblood  
 H2O Policy Study - Feb 77?  
 Council = Corp, Gov, Users  
 No Fed preemption - St/private  
 Fed H2O program - effect/cost  
 Conservation  
 Environment. air/water/  
 Farm to Urban & energy  
 Indians & Fed rights  
 In stream - Min flows  
 Antitrust - Antitrust  
 Salinity  
 Coal/steel

Aug - Dolin  
 Colo - Lamm  
 Idaho - Evans  
 Mont - Judge  
 Nev - O'Callaghan  
 NM - Apodaca  
 ND - Sanstead  
 Ore - Strub  
 SD - Knip  
 Utah - Matheson  
 Wyo - Muschler

T' giving in Lagos <sup>Billy</sup>  
Harris poll - 39% <sup>bolly bust</sup>  
Marie Tahn - Soapy Owen,  
20 min - ~~about~~ issue  
3 blind vs Tumble = MA - 30 400  
Same issues - 81 - Mid E - (Arms  
Reorg. Welfare - Tax - <sup>SALT</sup>  
Econ. Infl. Unemp. Household  
Ag. Exports (list ---) #24 B, 1  
8-13 - no embargoes  
Target prices - Farmer reserves  
Corn/beans record crops  
Min govt interference  
Corn set aside - ?  
Woody Diehl - 4th → Warren Co.

Most imp - not understood -  
Abundance not for granted  
Reform disaster assistance  
= Energy - #68 → farmers - 75% 640  
Conservation - Cons = > for farmers  
Nat gas cheap An Am 30 A '85 = 23 8  
Test will - Cheap 68 energy over  
Top of agenda - Bitter medicine  
#45 B - ≈ 1/2 2x Ag exports  
Drop Nat gas Incentives -

IOWA -  
Robt Fulton - Don O'Brien  
John Devereaux - Marie Tahn  
Chuck Gifford - Soapy Owen  
Jerry Fitzgerald (Sherry)  
Orin Lee Staley (N74)  
Ed Campbell (St Chmn)  
Spkr Dale Cochran  
Sen Milds - Gei Kinley  
Jean Hargland

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Caring home - Campaign  
Frost - Econ <sup>Farming</sup> <sup>Top</sup>  
Lowest Unemp  
# Hops/Corn 10% Food  
3% for Elect site  
Industry Area #30  
Embargoes - 5 → 13 MT



J.J. Dinner - Iowa <sup>ED</sup> CAMPBELL

Marie Tahn - SALLY OWENS - HARRY BAXTER  
2 YRS AGO - MONEY'S WORTH?  
HARRIS POLL - 39%

3 BLIND - TWINKLE

ROS SWEATER - DEALER DISC. =

T'GIVING IN LAGOS

BILLY - BELLY <sup>SWIM/FLOAT</sup> BUST = BEER IND  
=

TWO YRS AGO <sup>MONEY'S WORTH?</sup> → NOW HUMAN RIGHTS

BI = MDE = ARMS SALES:

SALT = NON PROL = REORG =

INFL 10 → 4 UNEMP 8 → 7

ECON STRENGTH

=

AG = IMP = NOT UNDERSTOOD

WOODY DIENH - 4<sup>TH</sup> WARREN

ABUNDANCE - NOT FOR GRANTED  
BERGLAND

FARM BILL = TARGET PRICES =

PRICE SUPPORT = RESERVE

R & D = ~~5% W~~ = MIN GOV'T

+ 5% W = DISASTER ASSIST

~~NO EMBARGOES~~ <sup>\$24B</sup> → <sup>8 → 13</sup>

=

ENERGY = TEST OF WILL

CHEAP = AGENJA = BITTER MED

\$45B = 1/2 = 2X AG EXPORTS

\$6 BIL - 75% GAS & OIL

MYTH: CONV/CONS MORE → AG

MYTH = FREE MKT

MYTH = INCENTIVES

NEP = NOT ROB CONSUMERS  
NOT ENRICH OIL COS.  
MEET ENERGY GOALS  
NOT BREAK BUDGET  
DEREG = 23B = \$30 Anhyd

GREATNESS OF PEOPLE

GOV'T GOOD AS PEOPLE

EXPORTS:

\$24B NO EMBARGOES  
NON COM RISKINS <sup>8 → 13</sup> for EXP  
+ PL 480

MTN TRADE BARRIERS

AG TRADE OFFICES

FARM COOPS DIRECT EXPRT

MULTI DEPT APPROACH

COMP WORLD FOOD POLICY

NEW MARKETS

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THE WHITE HOUSE  
WASHINGTON

9-13-77

To Tim

Let me know if  
evening of 10/22 is  
open for church  
supper

J

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preference  
1<sup>st</sup> 10/14  
or 2<sup>nd</sup> 10 28  
J

THE WHITE HOUSE  
WASHINGTON

notes from the trip  
re los angeles stop/speech

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C

### Human rights

Ours was the first country in all history that was founded specifically to further human rights. Those "inalienable rights" of life, liberty, and the pursuit of happiness are our very reason for existence as a nation.

We've been through a period in which we seemed to lose sight of that in our relations with other countries. But now we are once again firmly in touch with our own revolutionary traditions, which have been such an inspiration to peoples around the world.

We can't expect quick or easy results. After all, in our own country it took nearly 200 years to achieve full political and civil rights for all our people, and we are still far from perfect. But we owe it to ourselves ~~responsibilities~~ and to others to speak out for what we believe is right.

In recent days there have been repressive actions in South Africa and Czechoslovakia to suppress freedom of speech and freedom of the press and the right of legitimate dissent. We feel deeply that such actions are wrong, regardless of what ideology ~~is being used to justify them~~ is used to justify them.

What we say and do can set a higher standard of human rights for the peoples of the world. And if the United States does not defend these principles, who will?

### Middle East

(Hamilton, Jody, and Zbig all agree that you cannot fail to address this issue.)

The situation in the Middle East is an extraordinarily difficult and demanding one for the United States. ~~We must play two roles in this crucial part of the world.~~ We must play two roles in this crucial part of the world.

First and foremost, we are Israel's friend--her staunchest supporter, perhaps her only reliable ally in the world. The sources of this friendship are varied and deep. We have ties of religion--and this is true not only of American Jews but of all Americans who share the heritage of the Old Testament. We have ties of tradition and personal love and friendship. And we share a common political creed--Israel fully shares our belief in human rights and the democratic process.

On the other hand--because we seek peace and security for Israel and because our own national interest demands it--we play the role of mediator and peacemaker, requiring the confidence of all parties in our good faith.

We cannot escape these two roles. Abandoning our friendship and support of Israel is simply unthinkable. That is something we will never, ever do--not as long as you are President.

But to abandon our role as mediator and peacemaker could lead to disastrous consequences for both Israel and the U.S.

As long as we play these two roles with responsibility and perserverence, there will inevitably be tensions and difficulties. There are no guaranteed solutions to a problem that has defied resolution for generations. And there will be disagreements among those of us in our own country who are dedicated both to peace and to a permanent and secure State of Israel. But if there are ~~differences~~ differences, they will only be over tactics--never over goals.

## Energy

To meet our responsibilities as Israel's protector and as a mediator and peacemaker--to meet our responsibilities everywhere in the world--we must preserve our freedom of action. That freedom is compromised by our huge and growing dependence on foreign oil suppliers.

A healthy economy is the basis of all we do, both at home and abroad. That too is threatened by the ~~xxxxxxxx~~ tremendous flow of money ~~xxxxxxxx~~ out of our country caused by oil imports.

We must act now to turn these trends around. Since the 1973 embargo five of ~~our~~ our major allies--Japan, France, Italy, West Germany and England--have actually reduced their imports. Ours have nearly doubled in that time.

We need a strong, balanced plan like the National Energy Plan to reduce our vulnerability and protect our economy.

Hamilton feels, and I agree, that you cannot fail to address the Middle East. I see that Zbig feels the same.

I think there needs to be a theme of Presidential responsibility running through your comments. First you should describe the difficulty of the situation for the U.S. We play two roles in this crucial area of the world. On the one hand we are Israel's friend, her staunchest supporter, perhaps her only reliable friend in the world. On the other hand because we seek peace and security for Israel and because our national interest demand it, we play the role of mediator and peace maker requiring the confidence of all parties in our good faith.

We cannot escape these two roles. To abandon our friendship and support of Israel would be unthinkable and morally reprehensible.

But to abandon our role as mediator and peace-maker could well lead to disastrous consequences for both Israel and the U.S.

Therefore, we must persevere, recognizing the inevitable tensions and difficulties— Aware that there are no easy answers or guaranteed solutions to

a problem that has defied resolution for generations, indeed for centuries.

A great nation can do no less and the President of such a nation cannot shirk that responsibility.

You do so without regret, recognizing that there will be difficult times of controversy. But if we differ, let it always be clear that those differences are over tactics, not over the objectives we all support.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 21, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

ZBIGNIEW BRZEZINSKI

SUBJECT:

Your Remarks in Los Angeles on the  
Middle East

These are some possible themes -- depending on the circumstances.

The Middle East in Peace

I have often said that the United States will never impose a settlement on the peoples of the Middle East. Peace cannot be born of compulsion, but must spring from a vision of the future. Conscience -- and not coercion -- must be its foundation.

I am totally committed to a strong Israel living in peace, true peace, with all its neighbors. A few years ago, this would have seemed unattainable. It remains elusive, and yet it has a compelling logic.

*Mediator attacked  
for all sides*

The Middle East is, after all, a unique region of the world, bringing together two proud and talented peoples who have contributed much to civilization. Rather than devote themselves to the necessities of war, they could together turn the Middle East, with its human and natural riches, into a center of creativity and prosperity. It is this prospect of coexistence, not of domination; of cooperation, not of hostility; of building, and not of destroying that can lift the spirit of those who have suffered so much.

Just think of the consequences of peace for the land that all of us -- even if for different reasons -- love: human development would be enhanced; psychological security would replace gnawing fears; regional economic development would give Israel a unique and creative role. Is that dreaming the impossible? I think not.

I have a vision of a Middle East in which people will pray along side one another rather than fighting; I have a vision of a Middle East in which people will move freely across borders once sealed by barbed wire; I have a vision of a Middle East at peace, rather than



one that threatens to disrupt international stability and prosperity. This is not a vision that can be achieved without effort, or without commitment. But the first steps can be taken, and this is what we are now trying to achieve.

The peace settlement we seek -- which must include a permanent and secure Jewish state of Israel -- is one that I believe all Americans can support. If at times we differ, let it be clear that those differences are over tactics, not over the objectives that we all support.

THE WHITE HOUSE

WASHINGTON

October 21, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

STU EIZENSTAT  
KITTY SCHIRMER

*Stu*

SUBJECT:

Los Angeles Energy Talking Points --  
International Emphasis (At Your Request)

o I have stressed that enactment of a National Energy Plan is crucial to the health and security of our economy. Only a sound and balanced program for conservation and production -- such as we have proposed in the National Energy Plan -- can preserve our vital American economy for our children and grandchildren.

o But even more is at stake. Our ability to meet this challenge is a fundamental test of our leadership in the world community.

-- At the International Energy Agency meeting in Paris two weeks ago, we pledged, along with other member nations, to reduce our joint imports to 26 million barrels per day in 1985. This is 6 to 10 million barrels lower than the import level would otherwise be, and cannot be achieved without a concentrated national energy plan.

-- The United States is the single largest purchaser of oil from the OPEC Cartel -- we consume 25% of OPEC exports. We consume more energy than all the Common Market countries taken together, and we import more than half our oil. These trends are getting worse, not better.

-- Left unchecked, this growing dependence on foreign oil will lead to rising balance of payments deficits, inflate our dollar, force the export of American jobs, and weaken our international leadership, beginning with the Mideast.

-- Our oil import record to date has been disappointing. Between 1973 and 1976 five of our major allies -- Japan, France, Italy, West Germany and England actually reduced

→ you sd. consumption  
in Des Moines.  
their imports. Yet American imports have doubled in the last five years. Our import bill this year will reach \$45 billion -- and will be responsible for a national trade deficit in the range of \$30 billion. We are the world's largest agricultural exporter, and it now takes two year's worth of farm exports to pay for one year's worth of oil imports.

This imbalance simply must not continue.

o We have the world's strongest and most vibrant economy. All that is needed is the will to act now to preserve our independence in the future.

o The energy legislation before Congress is a fundamental test of our will as a nation. And it is a test of our ability, as Democrats, to meet the tests of national leadership.

Our country needs your help and your active support for a strong energy plan in the days and weeks to come. And I know I can count on you.

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

October 19, 1977

cc Staff Bob  
Fido  
J

MEMORANDUM FOR: THE PRESIDENT  
FROM: ZBIGNIEW BRZEZINSKI *ZB.*  
SUBJECT: Your California Remarks  
(If you touch on Foreign Affairs)

Let me suggest that you address yourself to two themes, human rights and the Middle East. Human rights -- because this is a popular theme, one which helped your popularity, and I believe that there is widespread suspicion that you have retreated on it. A general reaffirmation of your commitment to this theme (without reference to specific countries) will be useful and I believe would also convey something about you personally that is quite appealing, namely dedication to basic values.

You cannot avoid, before that audience, mentioning the Middle East. However, neither a defense or a restatement of your policy is likely to be productive. It will either be suspect or -- if overly reassuring -- potentially conflicting with our ongoing negotiations.

Let me, therefore, suggest a different theme on the subject of the Middle East: that you speak truly from the heart and quite spontaneously about your vision of a Middle East at peace. Drawing on your biblical knowledge, on your genuine dedication to the people of Israel, you could speak quite eloquently and quite spontaneously about what such a peace would mean for the region's human development, social growth, and political security.

You might even borrow Martin Luther King's format and use the phrase several times "I have a vision: along the following lines:

"I have a vision of a land that unites rather than divides the people who inhabit it.

"I have a vision of a land whose people pray together and not fight against each other.

"I have a vision of a land where one dreams of angels instead of seeing soldiers. Etc., etc.

Some of the above may be hyperbole, but you would be the best judge of the mood at the meeting. I think something along these lines could be quite effective for it would convey the needed reassurance without directly catering to irrationality or exaggerated demands. Moreover, knowing as I do know your genuine views on the subject, I am convinced that such a statement of faith by you would be extremely convincing because of its sincerity -- and therefore very effective.

## STATEMENT ON HUMAN RIGHTS

My vision of peace in the Middle East is part of a broader vision of the human condition. True peace, reconciliation, and the harnessing of man's creative energies can only come when basic human rights are respected by all governments.

*freedom of speech*

The world is impoverished, we all are diminished, when basic human rights are violated -- whether the violation takes place here at home, in Johannesburg or in Prague. Recent repressive police action in South Africa to enforce racial discrimination, and recent acts in Czechoslovakia to suppress legitimate dissent, carry the world backward from the historic tide of raising the standard of international behavior of governments towards their people. I deplore the developments in South Africa and Czechoslovakia equally, and I believe all Americans share my deep sense of concern.

I am convinced that only if America continues to stand for these principles and works toward them in what we say and what we do can a higher standard of human rights be set for the peoples of the world and true peace be brought to mankind.

True peace cannot be brought about by a balance of force<sup>also</sup> ~~alone~~ ; it must be derived from man's respect for his fellow man.  
^

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

good  
J

EYES ONLY FOR THE PRESIDENT

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THE CHAIRMAN OF THE  
COUNCIL OF ECONOMIC ADVISERS  
WASHINGTON

October 20, 1977

MEMORANDUM FOR THE PRESIDENT

From: Charlie Schultze *CHS by LSH*

Subject: Consumer Prices in September

The Bureau of Labor Statistics will release at 9:00 A.M. tomorrow morning (Friday, October 21) the figures on consumer prices in September. The news is good.

Consumer prices rose 0.3 percent in September, the same as in August. Food prices increased just 0.1 percent, and increases in other categories were also moderate -- commodities other than food rose just 0.2 percent, and services 0.5 percent. The index for all items excluding food and fuel (our measure of the underlying rate of inflation) increased 0.3 percent for the second month in a row.

For consumers, the recent slower pace of inflation is clearly a welcome respite. It does not mean, however, that our problems with inflation are over. The relatively moderate increase in consumer prices of commodities other than food reflects, in part, price concessions by retailers because of weakness in consumer spending. Thus, over the past four months, wholesale prices of consumer finished goods other than food have risen at an average monthly rate of 0.4 percent. Retail prices of these goods have risen only half as fast.

If consumer spending and the overall pace of economic activity pick up again, as we expect they will, retail prices will probably begin to rise in line with wholesale prices, and the rise of prices at wholesale may also accelerate.



THE WHITE HOUSE  
WASHINGTON

October 21, 1977

Frank Moore

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

TIP O'NEILL AND B-1 BOMBER VOTE

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION  
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN
	LIPSHUTZ
/	MOORE
	POWELL
	WATSON
	LANCE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to  
Carp/Huron within  
48 hours; due to  
Staff Secretary  
next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

KITEC

ACCORDY

HECHENBERG

WUNDER

LEIBERMAN

WATSON

STOCH

HECHENBERG

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THE PRESIDENT HAS SEEN *done*  
THE WHITE HOUSE  
WASHINGTON *J*

THURSDAY-OCTOBER 20, 1977  
6:00 P.M.

MR. PRESIDENT

TIP O'NEILL MADE AN  
IMPASSIONED PLEA, WALKED THE  
AISLES, CHANGED VOTES IN THE  
WELL -- TO GIVE YOU A 204  
TO 194 VICTORY ON B-1.  
YOU MUST CALL HIM AND THANK  
HIM. I WILL HAVE A LIST  
OF OTHER PEOPLE WE OWE IN  
THE MORNING.

FRANK MOORE

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THE WHITE HOUSE  
WASHINGTON

October 21, 1977

Frank Moore

The attached was returned in  
the President's outbox. It is  
forwarded to you for your  
information.

Rick Hutcheson

cc: Les Francis

RE: ANALYSIS OF ENERGY VOTES  
CAT BY HOUSE CONFEREES

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION  
FYI

*cc LES Francis*

	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN
	LIPSHUTZ
/	MOORE
	POWELL
	WATSON
	LANCE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

October 20, 1977

*good analysis*  
*J*

MEMORANDUM FOR THE PRESIDENT

FROM:

FRANK MOORE

*FM*

SUBJECT:

Analysis of Energy Votes Cast by  
House Conferees (See Attached)

I thought you might be interested in an analysis of how the House Conferees on the energy bill have performed on energy issues in both the 94th and 95th Congresses. The attached memo to me from Les Francis gives a general overview of the Conferees' record on energy over the past three years.

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 20, 1977

TO: FRANK MOORE

FROM: LES FRANCIS *ls*

SUBJECT: House Energy Conferees

Generally speaking, the voting records of the House Energy Conferees indicate a high level of support for the Administration's positions. Gary Fontana and I have done a quick analysis, based on information on our computer file, which shows the Democrats to be very strong, while the Republicans are a pretty dismal group.

- First of all, 15 of the 17 Democrats voted "right" on six out of six key votes on the National Energy Act in August.
- The two Democrats who did not have perfect records were Wilson (Texas) and Waggoner. Wilson scored four out of six, whereas Waggoner was right only one out of six (he voted "for" final passage, but against everything else).
- During the 94th Congress, on those votes we used to formulate an "energy profile" (which we used to predict votes this year), the Democrats had generally high marks.
- On our overall legislative program this year, the Democrats have been fairly supportive (as measured by their performance on 34 key votes).
- The Republican Conferees, on the other hand, present an entirely different picture. They were "bad" on energy in the 94th Congress, they have been "bad" on the President's energy program this year. Anderson scored one out of six "right" on the National Energy Act, whereas all other GOP Conferees were 0 for six. During the 94th Congress, on 17 energy votes, the highest mark for a Republican was four (Wydler).



What appears on the attached sheet is a scorecard on the House Conferees that you may find interesting and/or useful.

<u>N A M E</u>	<u>P A R T Y</u>	<u>S T A T E</u>	<u>% Support For Admin Position (34 Key Votes)</u>	<u>Energy Votes 94th Congress</u>	<u>Energy Votes NEA/95th Congress</u>
Ashley	Democrat	Ohio	88.2%	13/17	6/6
Bolling	"	Missouri	96.9%	12/17	"
Corman	"	California	96.7%	17/17	"
Dingell	"	Michigan	82.4%	14/17	"
Eckhardt	"	Texas	93.5%	15/17	"
Foley	"	Washington	75.8%	13/17	"
Moffett	"	Connecticut	87.5%	15/17	"
Rangel	"	New York	85.3%	17/17	"
Reuss	"	Wisconsin	84.8%	16/17	"
Rogers	"	Florida	58.8%	14/17	"
Rostenkowski	"	Illinois	87.1%	12/17	"
Sharp	"	Indiana	67.6%	14/17	"
Staggers	"	West Virginia	77.8%	14/17	"
Ullman	"	Oregon	80.6%	10/17	"
Vanik	"	Ohio	80.0%	16/17	"
Waggonner	"	Louisiana	14.3%	1/17	1/6
Wilson	"	Texas	61.5%	0/17	4/6
Anderson	Republican	Illinois	42.9%	3/17	1/6
Archer	"	Texas	21.2%	1/17	0/6
Brown	"	Michigan	29.6%	2/17	"
Brown	"	Ohio	15.6%	3/17	"
Collins	"	Texas	17.6%	0/17	"
Horton	"	New York	45.5%	1/17	"
Steiger	"	Wisconsin	40.6%	2/17	"
Wyder	"	New York	21.4%	4/17	"

NOTE: For comparison purposes, all Democrats in the House have averaged 68.2% support for the Administration on the 34 key votes; the Democratic Conferees have averaged 77.6%. Republicans in the House have averaged 27.1%, whereas Republican Conferees are only slightly higher at 29.3%.



THE PRESIDENT HAS SEEN.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

C

OCT 21 1977

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for Preservation Purposes

MEMORANDUM FOR: THE PRESIDENT  
FROM: Jim McIntyre *Jim McIntyre*  
SUBJECT: Follow-up on Zero-Base Budgeting Status Report

This memorandum responds to your comments on the Zero-Base Budgeting (ZBB) Status Report we recently sent to you (attached).

Assessment of the First Year of ZBB

We have an assessment of the Government's ZBB process underway that is intended to provide the "post-mortem" you suggest to improve the 1980 process. In this context, we are taking steps to reduce the volume of paperwork for the 1980 budget by ensuring that only materials needed for analyses are prepared for ZBB.

We intend to provide you, in late January, an overall evaluation of how ZBB worked.

Concerns with Individual Agency ZBB Performance

We will include a frank assessment of any specific concerns we have with individual agencies in the material we will furnish you prior to each of your review sessions on the 1979 budget.

Digital Coding

As previously discussed, all decision units have been coded functionally to facilitate identification of possible overlap. OMB staff will use the functional computer listings for the fall review period, as well as for spring planning for the 1980 budget.

Agency Management Involvement

The four agencies that did not report an increase in agency management participation were Interior, Agriculture, State, and

International Security Assistance. These agencies have traditionally involved many levels of managers in their budgeting process. Thus, while they reported extensive management involvement in ZBB, it did not represent a significant increase over past years. We are satisfied that the management levels of these agencies have given sufficient attention to ZBB.

Attachment



THE PRESIDENT HAS SEEN.  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

cc To Jim  
J  
SEP 22 1977

INFORMATION

MEMORANDUM FOR: THE PRESIDENT  
FROM: Bert Lance *Jim McIntyre for*  
SUBJECT: Status Report on Zero-Base Budgeting

Agency budget requests for 1979 are due in OMB this month. All agencies in the Executive Branch have used zero-base budgeting to develop their budget requests. The decision packages and ranking tables comprise the bulk of the justification materials being submitted. This report assesses the processes used by the cabinet departments and the major independent agencies, that will comprise over 98% of the total Federal budget.

General

It appears that most agencies have made a genuine effort to make the ZBB process work. The implementation has been smoother than originally expected and we are generally pleased with the first year results.

Most agencies have been able to work within the instructions. However, there have been some concerns expressed over the increased paperwork volume, the requirement for a single agency ranking, and the increased amount of time required to review the budget proposals. Nonetheless, we expect that most agencies will submit their budget requests on time.

Volume of the Budget Requests

Of the 23 agencies covered, all but one (Interior) report that the volume of their 1979 budget submission will be greater than for 1978. In four agencies, none of which are cabinet departments, the volume is projected to be in excess of two times greater. However, most of the 23 agencies report that the increased volume is both manageable and valuable in reviewing the budget. Several have noted that the additional volume, although caused by the ZBB formats, served top management as an excellent source of information about agency programs.

*Plan a post mortem to  
reduce paperwork volume  
in FY 80 budget*

We estimate that 26,000 decision packages have been prepared. Of this number, approximately 9,500 will be submitted to OMB.

### Sub-current levels

Except in very unusual circumstances, minimum levels are identified for all programs. However, there is concern among OMB examiners with the validity of some of those levels. We intend to give special emphasis to this area during the review process and will make a number of recommendations for reduced program levels below the current levels.

### Program objectives

Agencies have developed objectives for all programs. To the extent that clear program objectives are established, some potentially overlapping program areas may be identified. However, the objectives developed by the agencies vary greatly as to clarity and measurability and policy people in a few agencies have not participated as they should. OMB intends to evaluate the objectives during the Fall review process.

### Ranking

Most agencies experienced some difficulty with ranking. The largest, most complex agencies experienced the most difficulty. The majority of agencies ranked decision packages at 3 organizational levels, although 7 of the 23 agencies ranked at 4 or more levels.

Only HEW and Agriculture requested significant exceptions to the requirement for a single agency ranking. We agreed that the Secretarial level need only make agency-wide choices within the 10% to 15% range around the planning ceiling. Even with this restriction, however, both agencies are making agency-wide priority choices among larger numbers of decision packages (300 for HEW and 200 for Agriculture).

The ranking process has had the expected desirable effect of stimulating greater management involvement in determining budget priorities. All but 4 of the 23 agencies report more management involvement at various organizational levels, generally, than for 1978.

*Reasons for  
other 4?*

*JC*

### Conclusion

You may recall that we were advised during the spring that many agencies would not make sincere efforts to implement ZBB. In that connection, we are watching to determine whether reports of a "cosmetic only" approach by some agencies are true. Generally, however, the attitudes expressed by top policy level staff are positive and cooperative. We are very pleased with the extensive individual efforts that have been made.

We will continue to advise you of significant developments as they occur. Further, we are beginning an in-depth evaluation of the zero-base budgeting process within the agencies and within OMB. The results of this evaluation will be presented to you after your budget is transmitted at which time we will recommend any needed modification to the process for FY 1980.

*ok. In analysis,  
that agencies re  
different factors -*

*JC  
(I'd like to congratulate  
publicly the very best  
one -)*

THE WHITE HOUSE  
WASHINGTON

October 21, 1977

The Vice President  
Midge Costanza  
Stu Eizenstat  
Hamilton Jordan  
Bob Lipshutz  
Frank Moore  
Jody Powell  
Jack Watson  
Charles Schultze

The attached will be submitted to the President. This copy is forwarded to you for your information.

Rick Hutcheson

RE: FOLLOW-UP ON ZERO-BASE BUDGETING  
STATUS REPORT



THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
/	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
/	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND
	IMMEDIATE TURNAROUND

ACTION  
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN <sup>TAT</sup>
	LIPSHUTZ
	MOORE <sup>UTZ</sup>
	POWELL
	WATSON
	DANCE <sup>N</sup>
/	SCHULTZE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to
	Carp/Huron within
	48 hours; due to
	Staff Secretary
	next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER <sup>NSKI</sup>
	CARP <sup>ER</sup>
	H. CARTER
	CLOUGH <sup>TER</sup>
	FALLOWS
	FIRST LADY
	HARDEN <sup>LADY</sup>
	HUTCHESON
	JAGODA <sup>ERSON</sup>
	KING
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE  
WASHINGTON

10/21/77

TO: Rick Hutcheson

For Your Information: \_\_\_\_\_

For Appropriate Handling: X

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
Robert D. Linder

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

21 October 1977

C

MEMORANDUM FOR THE PRESIDENT

FROM:

RICK HUTCHESON *Self Simon for 12H*

SUBJECT:

Status of Presidential Requests

EIZENSTAT:

1. (7/18) (Confidential) Check with the Attorney General and comment on the Morris Dees memo concerning the death penalty in the U.S. -- In Progress, (expected 10/28, previously expected 10/19).
2. (8/13) This doesn't seem right. Work on Jack Anderson article on 8/13 regarding giant utilities "phantom taxes" -- In Progress, (expected 10/25).
3. (8/24) Consult with Schlesinger on spent fuel policy -- Done, (Press release issued 10/18). *done*
4. (9/12) Assess three items briefly regarding Marshall memo concerning black unemployment -- In Progress, (draft circulated at 10/20 EPG meeting, currently being reviewed by inter-agency task force, expected 11/4).
5. (10/6) (and Schultze) Comment and draft reply regarding memo from Sen. DeConcini regarding copper -- In Progress, (with Senior Staff, expected 10/25 for the President's review).
6. (10/17) (and McIntyre) (Personal) Please comment regarding class/travel of federal officials and employees -- In Progress, (with GSA, expected 10/27).
7. (10/17) Provide a brief outline on energy for the Los Angeles speech -- Done. *done*

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LIPSHUTZ:

1. (9/28) Check with ERDA and prepare a brief answer for the President regarding letter from Cong. Dingell concerning safeguarding of special nuclear weapons -- In Progress, (with Schlesinger, expected 10/25).
2. (10/15) You and Bergland expedite the Robert Meyer lobbying situation -- Done. *done*

BRZEZINSKI:

1. (7/11) (and Brown) Keep the President informed about certification of qualifications of appointees to non-career jobs -- In Progress, (with DoD and CSC, expected 10/28).
2. (10/18) Why not invite Franz Josef Strauss (leader of the Christain Social Union) to the meeting -- Done. *done*

JORDAN:

1. (8/13) (and Eizenstat/Watson) Move on the letter from John Portman regarding 8/11 letter concerning dinner in Washington for heads of major U.S. corporations to generate support for Central Cities of America -- Done. *done*
2. (10/7) (and Hutcheson) At Ken Curtis' next meeting with the President, let the President learn what else is being done (successfully) to raise money; the Republicans have several million dollars -- Done, (in 10/13 meeting). *done*
3. (10/11) See the President regarding letter to Cong. Don Fraser concerning Winograd Commission -- In Progress, (expected by 10/28).
4. (10/19) (and Moore) Sen. Byrd wants a business leader's committee for the Panama Canal Treaty to be organized in West Virginia; Frank, see him -- In Progress.

SCHULTZE:

1. (8/24) Go ahead and prepare the economic impact statement for the President concerning the Senate Finance Committee proposal on Social Security financing and the statement to be given to Senator Long -- In Progress, (status report to be included in weekly report).
2. (10/17) This concerns the President; let him know what we can do regarding memo concerning the inflation scorecard -- Done, (in conversation 10/20). *done*

VICE PRESIDENT:

1. (10/6) Check with Stan regarding letter from Howard Bucknell concerning Dr. Aristid Grosse's comments about Persian Gulf Oil -- In Progress, (with Admiral Turner, expected 10/27, previously expected 10/19).

ADAMS:

1. (8/22) Keep the President informed about Armtrak heavy rail repair facility -- In Progress, (expected 10/28, previously expected 10/21).

WATSON:

1. (10/6) Check on letter from Nancy Abrams, Miami Beach, concerning Data Dynamics with Charles Duncan; use no influence -- In Progress, (Jack will call Nancy Abrams on 10/25). *done*
2. (10/18) Follow-up working with Secretary Marshall regarding his memo concerning East and Gulf Coast Longshore dispute -- In Progress.

SCHLESINGER:

1. (10/12) (and Andrus, Marshall) Conference O.K.; assess questions from Schultze concerning White House Conference on Coal -- In Progress, (with Senior Staff, expected 10/25 for the President's review).

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2. (10/18) Why permit the white market? See staff comments regarding memo concerning rationing plan -- In Progress, (expected 10/25).

ANDRUS:

1. (9/24) Before any final decision is made, please have someone brief the President on the Park Service plans for Cumberland Island, Georgia -- Done, (in weekly report 10/21). *done*

HARRIS:

1. (8/11) Push this; work with Lehman, Pepper, Stone, Childs and condominium groups regarding condominium recreation leases -- In Progress, (with OMB which is gathering comments from Departments, expected for the President's review 11/6, previously expected 10/20).

CALIFANO:

1. (10/15) What action is being taken against welfare cheaters found: a) in your own department, b) in other places? -- Done. *done*

BLUMENTHAL:

1. (10/14) Please ask Heimann to send the President a copy of his reply to Beverly Langford's letter regarding the Calhoun First National Bank -- Done, (attached at end of report). *done*

KRAFT:

1. (10/19) Let the President have a preliminary list of people for the foreign trip -- Done. *done*

POWELL:

1. (10/20) (or Granum) View and return videocassette on energy action P.S.A.'s -- In Progress.

FALLOWS:

1. (10/19) (and Eizenstat, Powell) Proceed with draft fire-side chat on energy and schedule one -- In Progress.

THE WHITE HOUSE  
WASHINGTON

please send me cc  
of attached

thanks -- susan



THE WHITE HOUSE  
WASHINGTON

October 25, 1977

Susan Clough

Per your request, enclosed is  
a copy of the Status of Presidential  
requests.

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		LANCE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day	

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
/	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
/	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

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THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

Week Ending 10/21/77

MEMORANDUM FOR THE PRESIDENT

FROM:

HUGH CARTER *HC*

SUBJECT:

Weekly Mail Report (Per Your Request)

Below are statistics on Presidential and First Family:

<u>INCOMING</u>	<u>WEEK ENDING 10/14</u>	<u>WEEK ENDING 10/21</u>
Presidential	39,700	42,155
First Lady	1,065	1,275
Amy	365	875
<u>Other First Family</u>	<u>60</u>	<u>70</u>
TOTAL	41,190	44,375

BACKLOG

Presidential	7,990	7,160
First Lady	110	140
Amy	0	0
<u>Other</u>	<u>0</u>	<u>0</u>
TOTAL	8,100	7,300

DISTRIBUTION OF PRESIDENTIAL MAIL ANALYZED

Agency Referrals	54%	46%
WH Correspondence	15%	22%
Direct File	16%	16%
White House Staff	8%	9%
<u>Other</u>	<u>7%</u>	<u>7%</u>
TOTAL	100%	100%

NOT INCLUDED ABOVE

Form Letters and Post Cards	25,700	15,040
Mail Addressed to WH Staff	14,930	16,045

cc: Senior Staff

MAJOR ISSUES IN  
CURRENT PRESIDENTIAL ADULT MAIL  
Week Ending 10/21/77

ISSUES	PRO	CON	COMMENT ONLY	NUMBER OF LETTERS
Support for Palestine Liberation Organization Representation at Peace Talks	3%	97%	0	5,356
Support for President Carter's Statements re: Oil Companies During 10/13 Press Conference	50%	48%	2%	2,530
Support for Tuition Relief Tax Credit S. 834, H.R. 3403	99%	1%	0	1,519
Support for Tougher Restrictions on Steel Imports	94%	6%	0	618
Support for Panama Canal Treaties	9%	89%	2%	657
Support for Separate Cabinet Level Department of Education	98%	0	2%	606
Suggestions re: Tax Reform	0	0	100%	341
Support for Continued Regulation of Natural Gas	65%	22%	13%	282
Support for Magnuson Amendment to the "Marine Mammal Protection Act of 1972" (1)	90%	10%	0	261
Support for Neutron Bomb	5%	95%	0	226
			TOTAL	12,396

(1) Most of this mail is dated prior to 10/18/77, the day the President signed Senate Bill 1522.

Jim

Detroit Rapid Transit

% specific engineering plan or  
system proposals yet made by  
Detroit to Dept of Trans. in spite  
of this we have reaffirmed commitment  
of \$600 million for future use. Cannot  
promise more now. Additional funding  
would have to come from future  
appropriations.

Redwood forest

We have bill to acquire 48,000  
acres. Now in veto. Believe House will  
vote for bill. California delegation is  
split. Labor opposition is main  
problem - Very difficult to move bill.

Received to be \$2000  
(Detroit Free Press) from AFI  
4:05, 10/21/77

Bill H

THE PRESIDENT HAS SEEN.

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THE WHITE HOUSE

WASHINGTON

October 21, 1977

C  
✓

MEMORANDUM FOR: THE PRESIDENT  
FROM: STU EIZENSTAT *Stu*  
SUBJECT: Domestic Policy Staff Weekly Status  
Report

EMPLOYMENT

Black Youth Employment: Draft analysis was presented at yesterday's EPG meeting. After interagency circulation, analysis and options will be submitted to you. (Estimated time required is 2 weeks.)

Humphrey-Hawkins: Memorandum for final decision submitted Thursday.

COMMUNICATIONS

Public Broadcasting: The House held a hearing last week; it will continue hearings in January. We are working with the public radio and TV stations on some clarifying changes in the legislation.

Minority Ownership: We are working with the agencies to develop a program to increase minority ownership of broadcast and cable TV facilities.

TV for the Deaf: We are working with HEW on a series of meetings to try to persuade the networks to put captions on TV programs, so they can be understood by the deaf.

Invasion of Privacy Filing: We completed work with OTP on a filing with the FCC, a study of protecting personal privacy from unwanted commercial solicitation phone calls. Filing on October 18.

OPENNESS AND INTEGRITY IN GOVERNMENT

Executive Order on Logging: Justice draft is now being redrafted in light of agency comments. Draft will be in to you no later than October 29.

Ethics in Government Legislation: All House committees have now reported versions of non-special prosecutor portions of the bill. The special prosecutor bill, without any specific coverage of the KCIA case, was reported to the full Judiciary Committee by the Criminal Justice Subcommittee on October 19. Prospects for 1977 House action on the whole package were reduced by last week's House action rejecting the second set of Obey Commission proposed reforms.

Revision of Security Classification System: A wide range of comments and suggestions has been received on the draft Executive Order. We and NSC are evaluating them and will report the major issues to you by early December.

#### NATURAL RESOURCES

Minerals Policy Study: The proposal for a non-fuel mineral policy study to be chaired by Secretary Andrus under the Domestic Policy Review System is near final form. A memorandum will be to you shortly.

Oceans Policy: The Commerce Department has pulled together an interagency task force and expects to have completed their study by November 1. This will be a background paper to focus discussion on the policy issues to be used in the Domestic Policy Review System.

Bowhead Whales: We will make arrangements for the Vice President to meet with the natives on this issue, pursuant to your instruction.

160-Acre Limitation: We are working with Interior and Agriculture to ensure full consideration of all issues.

Water Pollution Amendments: The House-Senate conference committee has met twice, and most of the small issues have been resolved. The committee will soon address the more controversial issues. We are still working with OMB and the interested agencies to resolve the differences over the provision in the Senate bill that establishes oil pollution regulations applicable within 200 miles of the U.S. coast.

#### CIVIL SERVICE MATTERS

Federal Employees' Travel: We are looking into federal employees' use of first class air accommodations and will have a memo to you next week.

Hatch Act Reform: Hearings have been completed in the Senate. The interagency task force continues to meet with the Senate staff to discuss amendments. We are working with Frank on overall legislative strategy and to find a Senate floor manager (Jackson is our first choice).

Comprehensive Civil Service Reform Act: The OMB Reorganization Task Force and the Civil Service Commission are developing a series of reform proposals that will deal with such issues as veterans preference, hiring-firing procedures, and labor-management relations. You can expect a memo from OMB and Campbell sometime in November. We continue to follow developments.

Senior Executive Service Proposal: We continue to follow reorganization team efforts; Alan Campbell is preparing a decision memo. It will be circulated to cabinet members and should be in to you by mid-November.

#### CONSUMER MATTERS

A compromise bill creating an "Office of Consumer Representation" with reduced powers to be introduced this week.

#### ECONOMICS AND BUSINESS

Tax Reform: When you have made your decision, we will begin working on the delivery of the package to Congress and the public.

Steel Industry: We continue to work with the interagency task force to develop overall Administration strategy toward the domestic and international problems of the U. S. steel industry.

#### HEALTH

Black Lung: A memorandum has been sent to you discussing the status of the Black Lung Conference.

Hospital Cost Containment: Rogers' subcommittee has reported a bill to the full Interstate Commerce Committee which will mark it up next week. Rostenkowski's Ways and Means subcommittee is continuing its mark-up. Along with HEW, we have begun discussions with Senator Talmadge's staff.

National Health Insurance: HEW's briefing on NHI has been tentatively scheduled for early November.

President's Committee on Mental Retardation: We are analyzing the report, along with OMB and HEW.



HOUSING AND URBAN DEVELOPMENT

Urban Policy: We continue to meet on urban policy. I will meet with Lud Ashley next week.

Phase-out of FY 78 Economic Stimulus Package: We are working with Treasury to prepare an analysis of the fiscal problems of cities, and of the impact of the phase-out of the stimulus package; due late October.

SEC: We have received a draft of Senator Williams' legislation creating uniform standards on municipal bond disclosure. Per your instructions, we have received Treasury's views and will submit an analysis and recommendations by October 28.

AGRICULTURE AND RURAL DEVELOPMENT

World Hunger Study: We continue to work with Peter Bourne. A decision memo should reach you about November 11.

Crop Insurance: USDA is continuing its evaluation of the options, including reinsurance.

Sugar: There are problems on two fronts: (1) corn refiners are bringing suit against the Administration to halt the direct payment program (on grounds that the program is depressing corn prices); and (2) Senator Dole may continue to press for a Congressional override of your rejection of the ITC recommendations for import quotas. He may now be mollified by Agriculture's promise to act on the implementation of the farm bill's sugar provisions by November 8.

Feed Grain Set-Aside: Analysis of the options is underway. This will be considered by the interagency working group before coming to you for a decision in early November.

POSTAL SERVICE

The House Post Office Committee reported the Postal Reform bill on Tuesday without amending the bill to reflect the Administration's concerns and objections. Consideration by the full House this year is uncertain. The Senate appears more favorable to our position.

## HUMAN RESOURCES

Mandatory Retirement: The Senate overwhelmingly approved a bill to eliminate mandatory retirement prior to age 70 and exempts tenured college professors and business executives with private retirement benefits in excess of \$20,000 per year. During the conference, we will be working with the Civil Service Commission to have the conference include the Administration provision eliminating the age 70 mandatory retirement for civil service employees.

GI Bill: Some members of Congress are seeking White House support for a provision to provide additional tuition assistance to veterans in high cost states. The Senate is about to approve such a provision but the House has called for a simple across-the-board 6.6% increase to all GI bill recipients. The VA has opposed the tuition differential. We are working with the VA on an alternative approach which focusses assistance on those most in need.

Indochina Refugees: Congress has passed a bill incorporating the Administration proposal to extend and phase-out the Indochinese Refugee Assistance Program. The bill also provides for an adjustment of the status of these refugees making them eligible to apply for citizenship. The bill is considerably more expensive than the Administration proposal. The enrolled bill memo should be to you by the first of the week.

Social Security: The House completed action Monday. The Senate Finance Committee has reported the bill to the floor. We are working in accordance with the memorandum we sent to you to obtain approval of the Nelson plan.

### 1980 CENSUS

Secretary Kreps will appoint an independent committee of outside experts to assist in the planning and evaluation for the 1980 census. A memorandum is being prepared for you on this issue and will be in to you by October 28.

### CIVIL RIGHTS AND JUSTICE

Undocumented Aliens: Hearings on the Administration bill will be scheduled soon.

Morris Dees Memo on Death Penalty: My staff, working with the Justice Department, has completed a draft memorandum regarding the issues raised in the Morris Dees memo on the death penalty. Because of the difficulty of the subject, I want to take several days to review and discuss it with the Attorney General. I hope to have it to you within a week.

### FOREIGN GIFTS

Jay Solomon and Secretary Vance have agreed to write new regulations to provide for the centralized handling of foreign gifts. They have assigned staff to the project, and the first meeting will be held October 31. The regulations, which must be published by January 31, should be completed by the end of November. If GSA and State can agree, no further Presidential action will be required. If they cannot agree, the new regulations will probably have to be issued through an executive order.

### MISCELLANEOUS

National Initiative: A memo will be in to you today on the Abourezk proposal.

Congressional Veto Message: We continue to work with Bob Lipshutz and Justice on a message that will be submitted shortly before Congress adjourns.

ENERGY

Options Memo on Oil Imports: Lower-level staff at FEA and DOE are now working on this. However, it will require a substantial input from Secretary Schlesinger and the top-level political people in the Department who are now fully occupied with the energy bill. This memo has been assigned top priority after passage of energy legislation.

NEP: We continue to work on legislative strategy with Secretary Schlesinger, Frank Moore, Hamilton and the Vice President.

DeConcini Letter on Copper Stockpile: We continue to work with CEA and NSC on an analysis of DeConcini's request.

Clinch River: The House yesterday approved \$80 million appropriation to keep the Clinch River Breeder Reactor on schedule. The Senate has yet to act.

Northern Tier Pipeline: Working with OMB, the Departments of Energy and Interior to form an Administration position on legislation to expedite approval of a crude oil pipeline route from the West Coast to the northern inland states.

Phantom Taxes: Memo will be in to you by Tuesday, October 25.

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		LANCE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
/	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE  
WASHINGTON

October 21, 1977

Stu Eizenstat

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

cc: Jim McIntyre

RE: REPORT ON COMPLIANCE WITH  
55 MPH SPEED LIMIT AND  
RECOMMENDATIONS FOR FEDERAL  
ACTION

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION  
FYI

*include my memo*

	MONDALE
	COSTANZA
/	EIZENSTAT
	JORDAN
	LIPSHUTZ
	MOORE
	POWELL
	WATSON
/	<del>LANCE</del> JM
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
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Comments due to  
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	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN



THE PRESIDENT HAS SEEN.  
THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

OCT 14 1977

*Stu - I  
agree with you.  
Talk to her &  
develop PR approach.  
Prepare memo for  
me to have next  
Tuesday  
to act  
JC*

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Report on Compliance with the 55 Mile Per Hour  
Speed Limit and Recommendations for Federal  
Action

During our meeting on August 31, 1977 to discuss the 55 mile per hour speed limit, you requested a report on "the status of speed limit compliance throughout the country" to be submitted along with recommendations for improving the Federal 55 mph program.

Attached is a copy of my report. The findings are as follows:

1. Highway speeds, after dropping significantly in 1974, and remaining at 1974 levels in 1975, are gradually increasing. In 1976, the average speed of free-flowing vehicles was 58.0 mph on rural interstate highways, and 56.0 on urban interstates, as compared to 57.6 mph and 54.7 mph respectively for 1975.
2. A significant portion of motorists violate the 55 mph speed limit. The percentages of vehicles exceeding 55 mph by state during the first half of 1977 ranged from 30.5 to 77 percent. The percent of vehicles exceeding 60 mph ranged from 7.5 to 40 percent.
3. Highway deaths increased from 46,011 in 1975 to 46,820 in 1976, the first fatality increase since enactment of the 55 mph speed limit.
4. The 55 mph speed limit saved at least 1 billion gallons of gasoline in 1975. If all motorists observed the speed limit, some 73 million barrels or more than 3 billion gallons of gasoline would be conserved annually.
5. Public support for the speed limit, as reflected in public opinion polls, is high, even as observance decreases.



6. State enforcement officials support the 55 mph program, but indicate a need for additional financial assistance and technical support, as well as expanded public information and political support.

7. Performance standards against which to measure state enforcement of the 55 mph speed limit should be developed.

Based on these findings, I recommend the following actions to improve the Federal 55 mph program.

1. Implement an aggressive, long-term public information and education program designed to achieve increased voluntary motorist compliance;

2. Continue to emphasize the Federal commitment to the speed limit through speaking platforms and discussions with state officials; take steps to assure that Federal employees and vehicles are in compliance with the speed limit;

3. Seek dedicated Federal funding assistance for State enforcement. It is recommended that the Administration include within the surface transportation program to be submitted to the Congress a dedicated allocation of \$30 to \$50 million within the National Highway Traffic Safety Administration program structure in order to assure continuity of funding for the agencies which must hire personnel to conduct the enforcement program;

4. Request authority from Congress to establish Federal 55 mph compliance standards, to be based on a graduated schedule for achieving an ultimate goal of 85 percent compliance with the 55 mph speed limit by 1982;

5. Provide Federal technical assistance to states to improve enforcement.

With respect to the recommendations for an aggressive public support program and re-emphasis of the Federal commitment, the Department of Transportation is already taking steps to expand efforts in these areas. In addition, DOT will provide technical assistance to states for development of 55 mph enforcement techniques.

The recommendations with respect to Federal funding assistance for state 55 mph enforcement, and Federal performance standards based on 85 percent compliance with the speed limit, will require congressional action. I will

initiate the necessary review and clearance process with the Office of Management and Budget with respect to these legislative proposals following your approval.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brock Adams". The signature is written in a cursive style with a large initial "B" and "A".

Brock Adams

~~Attachment~~




MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

INFORMATION

20 October 1977

TO: THE PRESIDENT  
FROM: RICK HUTCHESON   
SUBJECT: Summary of Staff Comments on  
Secretary Adams "55 mph" Memo

Eizenstat concurs with Adams' recommendations #1, 2 and 5, but suggests that you not support recommendations #3 and 4, which call for congressional action. "Because existing law gives the Secretary of DOT great leverage in enforcing the speed limit, /DOT should/ present options for enforcement by administrative action as alternatives to requesting new funds from Congress."

Adams recommends (#3) that the Administration submit a dedicated allocation of \$30-50 million for NHTSA, but:

- does not make the case that the new money will result in better enforcement of the 55 mph speed limit; and
- the report acknowledges that the amount of additional funds required for adequate enforcement is not precisely known.

OMB also opposes Adams' recommendation #3, because:

- it is not clear what the funding would be used for;
- DOT provides no rationale for the appropriateness of a \$30-50 million program level (and the budget liability is potentially very large); and
- at present, NHTSA has a highway safety grant program; creation of a new category of funding (for 55 mph enforcement) goes against the Administration's desire to reduce the number of narrowly-circumscribed transportation accounts.

Eizenstat comments that "the report indicates that states have been reluctant to use existing sources of Federal money (Federal highway money, highway safety grants) partly because states see enforcement of this law as a Federal responsibility." OMB views Federal funding of state enforcement of speed limits as a very questionable "Federal intrusion into states' exercise of their traditional police powers."

Jack Watson and Frank Moore concur with Secretary Adams.

THE WHITE HOUSE

WASHINGTON

Date: October 15, 1977

MEMORANDUM

FOR ACTION:

Stu Eizenstat - *attached*

Bob Lipshutz

Frank Moore (Les Francis) *concur by phone*

Jack Watson *concur by phone*

Jim McIntyre - *attached*

FOR INFORMATION:

The Vice President

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Report on Compliance with the 55 Mile Per Hour Speed  
Limit and Recommendations for Federal Action

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 10:00 AM

DAY: Tuesday

DATE: October 18, 1977

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

REPORT TO THE PRESIDENT  
ON COMPLIANCE WITH THE 55 MPH SPEED LIMIT

Submitted by:

The Secretary of Transportation  
October 7, 1977

REPORT TO THE PRESIDENT ON COMPLIANCE  
WITH THE 55 MILE PER HOUR SPEED LIMIT

I. INTRODUCTION

On August 31, 1977, National Highway Traffic Safety Administrator Joan Claybrook, General Benjamin O. Davis, Jr., my Special Assistant for 55 mph, and I met with you to discuss the national 55 mile per hour speed limit. You directed the preparation of a report on "the status of speed limit compliance throughout the country," to be submitted in 30 days, along with recommendations from the Secretary of Transportation for improving the Federal 55 mile per hour program. This report is in fulfillment of your directive.

Since the August 31 meeting, General Davis has met with state governors and safety officials around the country to discuss the 55 mph speed limit, to learn of state enforcement problems, and to solicit advice on how the Federal government might assist the states. Meetings were held with the following: Governor Ella T. Grasso of Connecticut; Governor Michael T. Dukakis of Massachusetts; Governor Cliff Finch of Mississippi; Governor Robert W. Straub of Oregon; Governor Thomas L. Judge of Montana; Governor Robert D. Ray of Iowa; and Governor-to-be Wesley Bolin of Arizona. Meetings were held with the Governors' Highway Safety Representatives in Tennessee and Missouri.

These visits were quite productive, and all governors expressed their support of the speed limit and pledged their cooperation.

These meetings and discussions and other meetings which General Davis has had during the past year-and-a-half, together with the enforcement and compliance data collected by the States and furnished to the Department of Transportation, form the basis of this report on compliance with the 55 mile per hour speed limit.

II. STATUS

The 55 mile per hour national maximum speed limit (NMSL) was initially enacted as a temporary measure on January 2, 1974, as part of the Emergency Highway Energy Conservation Act. Congress made the speed limit permanent through provisions in the Federal-Aid Highway Amendments of 1974,

effective January 4, 1975. The statute establishes a national maximum limit by requiring the Secretary of Transportation to withhold approval of all Federal-aid highway projects from any State which fails to establish a maximum speed limit of 55 miles per hour or fails to certify annually to the Secretary that it is enforcing the speed limit.

#### B. Highway Speed Trends

Passage of the 55 mph speed limit in 1974 had an immediate and dramatic impact on American driving patterns. Average vehicle speeds (of free-moving vehicles only) on rural Interstate highways dropped from 65.0 mph in 1973 to 57.6 mph in 1974, an 11.4 percent decrease in one year. The percentage of vehicles exceeding 55 mph on rural Interstates decreased from 89 to 65 percent, while the percentage exceeding 60 mph dropped from 72 to 29 percent. These gains were for the most part maintained in 1975. The 1976 statistics, however, evidence the first discernible speed trend increase in national speeds on the Interstate system since the oil embargo of 1973. Speed increases were modest, totalling 0.7 percent on rural Interstate highways and 2.3 percent on urban Interstates, and 1976 speeds were still substantially below 1973 levels on rural Interstates.

However, comparison of data for the first six months of 1977 with speed data from the first six months of 1976 evidences the continuing gradual increase in speeds. In 1976, 16 states and Puerto Rico had average speeds of 55 mph and below with 34 states above; only 10 states and Puerto Rico registered average speeds at 55 mph and below in 1977, with 40 states above. The 85th percentile speeds for the first six months of 1977 compared to the same period in 1976 rose in 27 states, decreased in 20 states, and remained even in 4.

In sum, highway speeds are increasing as more and more motorists choose to violate the 55 mph speed limit. Speeds have not yet approached the high levels which existed prior to enactment of the speed limit. Nevertheless, these small but perceptible increases mark a trend toward increasing speeds and indicate that the impressive gains of 1974 and 1975 are being eroded.

#### C. Fatality Trends

The major impact of the 55 mph speed limit has been the saving of lives. Since World War II, highway deaths had risen by an average of 1,044 deaths per year, to a 1972



high of 56,275 fatalities. Fatalities dropped slightly in 1973 with the onset of the oil embargo. Then in 1974, the first year of the 55 mph speed limit, highway deaths dropped by an astonishing 9,353 fatalities. This 16.8 percent decrease marked the largest one-year absolute fatality reduction since 1942, and the second largest absolute decrease in U.S. motor vehicle history. The 1974 total fatality figure of 46,286 marked a ten year low, the fewest U.S. traffic deaths since 1963.

Moreover, the annual fatality rate (fatalities per 100 million vehicle miles) which had decreased by an average of 4.2 percent per year since passage of the Highway Safety Act of 1966, dropped 14.7 percent in 1974. Fatality rates are perhaps a better safety index than the absolute number of fatalities, since the number of fatalities is affected by the extent to which vehicle miles traveled increase or decrease.

Many factors played a role in reducing traffic fatalities in 1974, including automobile safety features, increased use of safety belts, and, particularly, the significant reduction in travel in the first half of 1974. Nevertheless, studies conducted by both the government and the private sector have consistently attributed at least 50 percent of the 1974 fatality reduction to the 55 mph speed limit. These studies have been borne out by the fact that 1975 fatalities decreased even further despite increases in travel to levels higher than those in 1973. The 55 mph speed limit is generally regarded as the single most important factor in reducing highway deaths since 1973, and perhaps the most important safety measure in modern times.

Unfortunately, 1976 marked the first increase in highway traffic deaths since enactment of the 55 mph speed limit -- an increase of 809 fatalities or 1.8 percent over the previous year. The major reason for this increase was more highway travel, rather than higher speeds; U.S. highway travel in 1976 rose by an estimated 6.5 percent, to a total of 1,416 billion vehicle miles.

Finally, it should be noted that the 55 mph speed limit has not only saved lives, but has reduced the number of significant injuries. Neurologist Dr. Simon Horenstein told an American Medical Association convention in 1976 that the number of spinal cord injuries caused by auto accidents had dropped by 60 to 70 percent at his hospital,

with the most important factor being the reduced speed limit. The Epilepsy Foundation of America recently issued a report that states, "The 55 mile per hour speed limit has proved to be the single most important preventive for new cases of epilepsy because it has reduced the number of head trauma injuries resulting from automobile accidents." The report estimated that the speed limit has prevented at least 90,000 epilepsy-causing head injuries each year.

#### D. Energy Implications

Though originally enacted as a fuel conservation measure, the 55 mph speed limit has not had the same dramatic effect on saving fuel as lives. Nevertheless, it is estimated that highway fuel consumed in 1975 was 0.8 to 2.9 percent less, as a result of slower driving speeds than would have been expected based on 1962-1972 growth rates. If not for the 55 mph speed limit motorists would have consumed at least one billion more gallons of gasoline in 1975. It is estimated hypothetically that if all vehicles today observed the 55 mph speed limit, some 200,000 barrels, or 8.4 million gallons of gasoline (assuming 42 gallons per barrel) would be conserved per day.

Apart from individual motorists, there are significant savings to be gained by truck and bus companies. Mr. Fred Curry, Board Chairman for Continental Trailways, has stated that his fleet saved 1,200,000 gallons of diesel fuel in 1976 by driving at 55 mph. Assuming an average cost of diesel fuel of \$.45 per gallon, total one year savings approximated \$540,000. Other savings for buses and trucks may result from reduced maintenance, longer tire wear, and increased engine life. Both the American Trucking Association and the Teamsters Union support 55 mph.

#### III. PUBLIC SUPPORT FOR 55 MPH

Public support for and observance of the 55 mph speed limit were impressive during 1974 as speeds dropped dramatically. As seen from current speed monitoring statistics, however, the level of observance is decreasing. Ironically, public support of the measure remains high even as fewer people obey. A Gallup Poll released on March 31, 1977 indicates that 76 percent of those polled favor keeping the 55 mph speed limit, while 22 percent oppose. Seven state and local surveys were taken in late 1976 and early 1977, and support for the speed limit ranged from 58 to 87 percent, while opposition ranged from 14 to 37 percent.

Given this support for keeping the speed limit, it is difficult to pinpoint the reasons for increased lack of actual observance on the highways. The impact of seeing other motorists speed may be one factor. Skepticism over an energy crisis may be another factor. Finally, there is often an "it only happens to someone else" attitude with respect to highway fatalities which often blunts the logic and effectiveness of the safety argument for 55 mph. Whatever the reasons, it is clear that the potential exists for voluntary cooperation.

Since passage of the 55 mph limit, the Department of Transportation has taken several steps to increase voluntary compliance. DOT has, with the cooperation of the Advertising Council, developed an all-media 55 mph campaign including television commercials, radio spots, newspaper and magazine advertisements, bumper stickers, and flyers. The original slogan of this campaign -- "It's Not Just a Good Idea, It's the Law" -- has been revised to the more positive theme -- "It's a Law You Can Live With." In 1976, all media donated at least \$27 million in free advertising time for the 55 mph campaign. But this is not sufficient. We need to reach a broad segment of the population with some regularity.

In addition DOT has distributed free promotional material to the states. DOT representatives have met with numerous enforcement, highway safety, and motorist groups to enlist their active support and participation in the 55 mph effort.

#### IV. STATE ENFORCEMENT OF THE 55 MPH SPEED LIMIT

##### A. State Laws

All States established 55 mph speed limits in timely fashion after enactment of the national statute. The effectiveness of these statutes, however, depends in part on the penalties assessed for their violation. Current state penalties range from a fine of up to \$500 plus assessment of points in Maryland to a \$5 fine and no points in Idaho. Between 1974 and January 1977, nine states have increased their penalties for violation of the speed limit. Seven states have enacted less severe penalties -- Iowa, Kansas, Kentucky, Nebraska, Oklahoma, Oregon, and Tennessee. None have done so since I took office.

A trend toward lower penalties has become more evident in the last six months. Some state legislatures have apparently determined that they can blunt the effectiveness of the speed limit by rendering penalties virtually meaningless. This approach maintains the official 55 mph speed limit, but in effect "nibbles" away at the limit by decreasing or eliminating the deterrent.

I sent telegrams to all state governors on March 25, 1977, expressing concern over the growing trend toward reduction of penalties, and warned that any significant lessening of penalties would raise a "substantial question" as to whether that State is "enforcing" the speed limit within the meaning of the Federal law. Since that time, the governors of North Dakota, South Dakota, Utah, and Texas have vetoed legislation to weaken 55 mph penalties. While these vetoes are encouraging, the passage of legislation by the respective state houses evidences the current lack of support among many state legislatures.

#### B. Enforcement Activity

The 55 mph speed limit imposed new and massive speed enforcement responsibilities on state law enforcement agencies. Although no additional Federal funds were provided to assist the police in enforcing the speed limit, speeding citations have increased significantly from 5,661,617 in 1973 to 7,813,875 in 1976, and most state police agencies are still conducting intense and innovative speed limit enforcement programs. Nonetheless, as discussed previously, speeds are again increasing and a majority of motorists do not comply with the limit.

The police strongly support the 55 mph speed limit, and the International Association of Chiefs of Police has passed a resolution of endorsement. However, in the face of fixed or decreasing budgets, uncooperative state legislatures, and increasing demands for other police services, police are having difficulty in sustaining the increased enforcement levels necessary to obtain acceptable speed limit compliance levels.

Police administrators state that unless state law enforcement agencies are provided with additional funds sufficient to mount and sustain adequate and long range speed enforcement efforts, especially on the Interstate system, speeds will continue to increase.

#### C. Funding for Enforcement

State enforcement programs are currently funded primarily with state funds, with some Federal assistance provided on a project-by-project basis through Federal highway safety funds apportioned to the states annually under the state/community highway safety program (23 U.S.C. 402). States may also use Federal-aid highway planning money to conduct

their speed monitoring surveys. State legislatures have often refused to provide additional state funds to enforce what they believe is a "Federal law."

FY 1978 DOT appropriations provide \$122 million for the state/community highway safety program. In addition, Congress voted an additional \$43 million for high impact programs such as alcohol safety, selective enforcement, and the 55 mph speed limit. States are not required, however, to use any of this funding for 55 mph programs, and the funds actually allocated to 55 mph depend solely on the discretion of state highway safety officials. I have asked state officials to apply \$30 million of these high impact funds towards 55 mph enforcement.

The additional funds required to mount and sustain an adequate enforcement effort throughout the nation is not precisely known. Given the enormous road mileage involved (approximately 40,000 miles of interstate highways, and over 550,000 miles of main rural highways), and the variance in state police salaries and fringe benefits, it is difficult to determine exact needs at this time.

The International Association of Chiefs of Police recently conducted a survey of all state law enforcement agencies to determine 55 mph funding needs. The survey concluded that Federal funding of \$50 million for the first year, and \$275 million per year thereafter, would be required to assure satisfactory compliance levels. This estimate is based on a 20 percent increase in existing state police traffic enforcement budgets.

Congressman James Howard, Chairman of the House Surface Transportation Subcommittee, has introduced the Surface Transportation Assistance Act of 1977 which, among other provisions, would authorize \$50 million per year of dedicated funding for 55 mph during FYs 1979, 1980, 1981, and 1982.

#### V. RECOMMENDATIONS

Based on the findings presented in this report, I offer the following recommendations for improving the Federal 55 mph program.

A. Implement an aggressive, long-term public information and education program designed to achieve increased voluntary motorist compliance.

B. Continue to emphasize the Federal commitment to the speed limit through speaking platforms and discussions with state officials; take steps to assure that Federal

employees and vehicles are in compliance with the speed limit.

C. Seek dedicated Federal funding assistance for state enforcement. It is recommended that the Administration include within the surface transportation program to be submitted to the Congress a dedicated allocation of \$30 to \$50 million within the National Highway Traffic Safety Administration program structure in order to assure continuity of funding for the agencies which must hire personnel to conduct the enforcement program.

D. Request authority from Congress to establish Federal 55 mph compliance standards, to be based on a graduated schedule for achieving an ultimate goal of 85 percent compliance with the 55 mph speed limit by 1982.

E. Provide Federal technical assistance to states to improve enforcement.



OFFICE OF THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

OCT 7 1977

MEMORANDUM FOR: The Secretary of Transportation

SUBJECT: Report on Compliance with the 55 Mile Per Hour  
Speed Limit and Recommendations for Federal Action

On August 31, 1977, President Carter directed the preparation of a report on compliance with the 55 mile per hour speed limit, to be submitted with recommendations from the Secretary of Transportation on improving the federal 55 mile per hour program. I am pleased to transmit to you my report on the speed limit, together with my recommendations on how the federal government can achieve greater compliance.

In brief, my recommendations are:

1. Implement an aggressive, long-term public information and education program designed to achieve increased voluntary motorist compliance;
2. Continue to emphasize the federal commitment to the speed limit through speaking platforms and discussions with state officials; take steps to assure that federal employees and vehicles are in compliance with the speed limit;
3. Seek dedicated federal funding assistance for state enforcement: I recommend that DOT support a proposal introduced by Congressman James Howard to provide \$50 million in dedicated 55 mph enforcement funding for each of the next four fiscal years;
4. Request authority from Congress to establish federal 55 mph compliance standards, to be based on a graduated schedule for achieving an ultimate goal of 85 percent compliance with the 55 mph speed limit;
5. Provide technical assistance to states for enforcement.

In particular, I wish to emphasize the urgent need for an expanded public information and education program. Government, safety, and enforcement officials in every state I have visited have consistently requested federal action in this area. States recognize and accept that the speed limit enforcement burden rests with them. They ask that the Department of Transportation support this burden through the implementation of a major information and education campaign designed to alter driver attitudes about speed limit observance and to achieve increased voluntary compliance.

Department of Transportation officials have, since enactment of the 55 mph speed limit, told states that a major public support program would be developed by DOT. I have transmitted these DOT commitments to state officials since I began working on the program in April of 1976. To date this major effort has not been forthcoming. While current DOT public support efforts are useful, they have clearly been insufficient. It is my strong recommendation that DOT commit additional staff resources to the public support area, and that DOT develop and implement its public education and information campaign as quickly as possible.

Apart from the recommendations in my report, I would like to suggest that a more formalized internal structure be established within DOT for coordination of 55 mph actions, and particularly to implement your decisions with respect to the future direction of the 55 mph program. As you know, 55 mph implementation responsibilities are fragmented among many offices -- in the Office of the Secretary, the National Highway Traffic Safety Administration, and the Federal Highway Administration. This diversity of operational responsibility is necessary given the broad range of 55 mph actions, from speed monitoring to enforcement liaison to a national advertising campaign. This fragmentation, however, also leads to a lack of decision and coordination on key actions and issues, and hampers effective follow-through where tentative gains have been made. It is my recommendation that a Secretarial officer with substantive safety responsibility and expertise be assigned direct responsibility for coordinating the Department's 55 mph program, while maintaining operational responsibilities where they now exist.



One important issue which emerged from my recent visits with respect to the Department's approach to state enforcement is the question of "tolerance." As you know, many states allow a 5 mph or more tolerance before they will begin to take enforcement action. While some tolerance should be recognized for speedometer error, to perhaps 57 mph, it should also be recognized that driving speeds may not go down as long as motorists believe they can go at least 60 mph before a patrolman will even consider pulling them over. It is not practical to cite all drivers going over 55 mph. It would appear useful, however, for DOT, in working with state enforcement agencies, to reduce the degree of tolerance to the extent practicable.

Finally, I would like to add a note of optimism with respect to achieving compliance with the 55 mph speed limit. In my recent discussions with governors and safety officials in nine states, I was greatly encouraged by the degree of support for the speed limit, and the recognition that the speed limit is a significant life-saving and energy-conserving device. Given this support, I believe that a reasonable degree of compliance, even to as high as 85 percent, is an achievable goal.



General Benjamin O. Davis, Jr.  
Special Assistant to the  
Secretary of Transportation  
on the 55 MPH Speed Limit

Attachment

Date: October 15, 1977

MEMORANDUM

## FOR ACTION:

Stu Eizenstat  
Bob Lipshutz  
Frank Moore (Les Francis)  
Jack Watson  
Jim McIntyre

## FOR INFORMATION:

The Vice President

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Report on Compliance with the 55 Mile Per Hour Speed  
Limit and Recommendations for Federal Action

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 10:00 AM

DAY: Tuesday

DATE: October 18, 1977

## ACTION REQUESTED:

☒ Your comments

Other:

## STAFF RESPONSE:

☐ I concur.☐ No comment.*Please note other comments below:*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone: 7052)

REPORT TO THE SECRETARY OF TRANSPORTATION  
ON COMPLIANCE WITH THE 55 MPH SPEED LIMIT

General Benjamin O. Davis, Jr.  
Special Assistant to the  
Secretary of Transportation  
on the 55 MPH Speed Limit

October 7, 1977

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REPORT TO THE SECRETARY OF TRANSPORTATION  
ON COMPLIANCE WITH THE 55 MILE PER HOUR SPEED LIMIT

I. INTRODUCTION

On August 31, 1977, National Highway Traffic Safety Administrator Joan Claybrook, you, and I met with President Carter to discuss the national 55 mile per hour speed limit. President Carter directed the preparation of a report on "the status of speed limit compliance throughout the country," to be submitted with recommendations from the Secretary of Transportation for improving the federal 55 mile per hour program (See Appendix I). This report is in fulfillment of the President's directive. It presents my observations and conclusions with respect to compliance with the speed limit, and recommendations for federal action.

Since the August 31 meeting, I have met with state governors and safety officials around the country to discuss the 55 mph speed limit, to learn of state enforcement problems, and to solicit advice on how the federal government might assist the states. Meetings were held with the following: Governor Ella T. Grasso of Connecticut; Governor Michael T. Dukakis of Massachusetts; Governor Cliff Finch of Mississippi; Governor Robert W. Straub of Oregon; Governor Thomas L. Judge of Montana; Governor Robert D. Ray of Iowa; and Governor-to-be Wesley Bolin of Arizona. Meetings were held with the Governors' Highway Safety Representatives in Tennessee and Missouri.

These visits were quite productive, and all governors expressed their support for the speed limit and pledged their cooperation. A summary of these meetings is provided at Appendix II.

In addition to these recent meetings, I have during the past year-and-a-half, as special advisor to the Secretary of Transportation on the 55 mph speed limit, met with other governors, state highway safety officials, and virtually all state law enforcement administrators. I have addressed regional and national conferences of the International Association of Chiefs of Police, and discussed the speed limit with numerous private organizations, such as the National Safety Council, the American Automobile Association, and the American Trucking Association. I have received from these meetings a broad perspective from government leaders, the enforcement community, and motorists, from all regions of the country. All of these meetings and discussions, together with the enforcement and compliance data collected by the states and furnished to the Department of Transportation, form the basis of this report on compliance with the 55 mile per hour speed limit.

## II. SPEED LIMIT COMPLIANCE

The 55 mile per hour national maximum speed limit (NMSL) was initially enacted as a temporary measure on January 2, 1974, as part of the Emergency Highway Energy Conservation Act. Congress made the speed limit permanent through provisions in the Federal-Aid Highway Amendments of 1974, effective January 4, 1975. The statute establishes a national maximum limit by requiring the Secretary of Transportation to withhold approval of all Federal-aid highway projects from any state which fails to establish a maximum speed limit of 55 miles per hour. The actual limit is set by state law, and the traditional state role in traffic enforcement remains. All states must certify annually to the Secretary that they are enforcing the speed limit, with approval of Federal-aid highway projects withheld from any state failing to certify.

This chapter discusses highway speed trends since enactment of the national maximum speed limit, fatality trends, and the energy implications of the speed limit.

### Highway Speed Trends

Passage of the 55 mph speed limit in 1974 had an immediate and dramatic impact on American driving patterns, as reflected in Table 1. Average vehicle speeds (of free-moving vehicles only) on rural Interstate highways dropped from 65.0 mph in 1973 to 57.6 mph in 1974, an 11.4 percent decrease in one year. The percentage of vehicles exceeding 55 mph on rural Interstates decreased from 89 to 65 percent, while the percentage exceeding 60 mph dropped from 72 to 29 percent. These gains were for the most part maintained in 1975. 1976 statistics, however, evidence the first discernible speed trend increase in national speeds on the Interstate system since the oil embargo of 1973. Speed increases were modest, totalling 0.7 percent on rural Interstate highways and 2.3 percent on urban Interstates, and 1976 speeds were still substantially below 1973 levels on rural Interstates. Nevertheless, it is clear that after two successful years of speed reduction, driving speeds are gradually increasing.

Highway speeds by State for the first six months of 1977 are presented in Table 2. The figures represent speeds on all roads with a posted speed limit of 55 mph. States are listed by relative rank, from highest speed to lowest, according to their 85th Percentile Speed -- that speed at or under which 85 percent of all vehicles travel. (Prior to enactment of the 55 mph speed limit, speed limits were often based on the 85th percentile speed determined under free-flow conditions, in part on the premise that

TABLE 1

AVERAGE SPEEDS OF FREE-MOVING VEHICLES  
AND PERCENTAGES OF VEHICLES EXCEEDING  
VARIOUS SPEEDS

Highway System	Average Speed All Vehicles				Percent of Vehicles Exceeding											
	1973	1974	1975	1976	55 MPH				60 MPH				65 MPH			
					1973	1974	1975	1976	1973	1974	1975	1976	1973	1974	1975	1976
Rural Interstate	65.0	57.6	57.6	58.0	89	65	68	70	72	29	27	32	50	9	7	9
Urban Interstate	57.0	53.1	54.7	56.0	58	35	48	57	33	10	13	20	16	2	3	5

enforcement officials could control the 15 percent of motorists who exceeded the limit.) The relative state rankings for other speed categories -- average speed, median speed, and the percentage of vehicles exceeding 55, 60, and 65 mph -- are in parentheses next to each speed figure.

It is clear from Table 2 that a substantial portion of motorists are violating the 55 mph speed limit. These speed summaries show:

- ° No state maintained an 85th percentile speed of 55 mph or below. 85th percentile speeds ranged from 57.2 to 66.0 mph.
- ° Average speeds by state ranged from 51.6 to 59.8 mph. Ten states and Puerto Rico recorded average speeds of 55.0 mph and below, while 40 states had average speeds above 55.0 mph.
- ° The percentage of vehicles exceeding 55 mph by state ranged from 30.5 percent to as high as 77 percent.
- ° The percentage of vehicles exceeding 60 mph, perhaps more indicative of the degree of compliance given the traditional 5 mph enforcement "tolerance" in most states, ranged from 7.5 percent to as high as 40 percent.

Comparison of these statistics to speed data from the first six months of 1976 evidences the continuing gradual increase in speeds. In 1976, 16 states and Puerto Rico had average speeds of 55 mph and below with 34 states above; only 10 states and Puerto Rico registered average speeds at 55 mph and below in 1977, with 40 states above. 85th percentile speeds for the first six months of 1977 compared to the same period in 1976 rose in 27 states, decreased in 20 states, and remained even in 4.

In sum, highway speeds are increasing as more and more motorists choose to violate the 55 mph speed limit. Speeds have not yet approached the high levels which existed prior to enactment of the speed limit. Nevertheless, these small but perceptible increases mark a trend toward increasing speeds and indicate that the impressive gains of 1974 and 1975 are being eroded.

### Fatality Trends

The major impact of the 55 mph speed limit has been the saving of lives. Since World War II, highway deaths had risen by an average of 1,044 deaths per year, to a 1972 high of 56,275 fatalities. Fatalities dropped slightly in 1973 with the onset of the oil embargo. Then in 1974, the



TABLE 2

## HIGHWAY SPEED SUMMARY BY STATE

Traffic Under Free Flow Conditions on  
Roadways With Posted Speed of 55 MPH

January 1 - June 30, 1977

State*	85th Percentile Speed Speed (Relative Rank)		Average Speed Speed (Relative Rank)		Median Speed Speed (Relative Rank)	
Wyoming	66.0	(1)	59.2	(2)	60.0	(1)
Texas	65.6	(2)	58.3	(5)	59.1	(3)
North Dakota	65.2	(3)	58.0	(6)	58.0	(7)
New Mexico	65.1	(4)	57.8	(8)	58.7	(4)
Tennessee	65.0	(5)	56.4	(25)	58.6	(5)
Connecticut	64.6	(6)	59.8	(1)	59.4	(2)
Maine	64.1	(7)	58.8	(3)	58.1	(6)
Arizona	63.9	(8)	58.0	(6)	57.7	(9)
Nevada	63.5	(9)	57.6	(10)	57.3	(13)
Vermont	63.3	(10)	57.6	(10)	57.4	(11)
Mississippi	63.1	(11)	57.2	(15)	56.2	(23)
Florida	63.0	(12)	56.8	(19)	56.6	(21)
Oklahoma	63.0	(12)	57.7	(9)	57.5	(10)
Missouri	63.0	(12)	58.4	(4)	58.0	(7)
Utah	62.8	(15)	57.3	(14)	57.4	(11)
Indiana	62.6	(16)	57.6	(10)	57.1	(14)
Montana	62.6	(16)	56.8	(19)	56.7	(19)
Kansas	62.4	(18)	57.2	(15)	56.7	(19)
Massachusetts	62.0	(19)	57.0	(17)	57.0	(15)
Alabama	62.0	(19)	56.0	(28)	56.0	(27)
Ohio	61.9	(21)	55.6	(34)	55.6	(34)
Arkansas	61.9	(21)	56.0	(28)	56.2	(23)
Georgia	61.8	(23)	57.4	(13)	56.5	(22)
Iowa	61.6	(24)	56.5	(24)	57.0	(15)
South Dakota	61.6	(24)	57.0	(17)	55.9	(29)
North Carolina	61.5	(26)	56.8	(19)	57.0	(15)
Illinois	61.5	(26)	56.4	(25)	56.1	(26)
California	61.2	(28)	55.4	(36)	55.2	(37)
Michigan	61.0	(29)	55.8	(30)	56.0	(27)
Nebraska	61.0	(29)	56.6	(23)	56.2	(23)
Washington	61.0	(29)	56.7	(22)	57.0	(15)
West Virginia	60.9	(32)	55.8	(30)	55.8	(31)
Wisconsin	60.6	(33)	55.0	(41)	55.8	(31)
Idaho	60.4	(34)	55.7	(33)	54.7	(40)
South Carolina	60.2	(35)	55.8	(30)	55.8	(31)
Rhode Island	60.0	(36)	55.3	(37)	55.7	(34)
New Hampshire	60.0	(36)	55.2	(38)	54.3	(42)
Delaware	60.0	(36)	56.2	(27)	55.9	(29)
Maryland	60.0	(36)	55.1	(40)	55.0	(38)
Alaska	59.8	(40)	53.8	(45)	53.2	(47)
Kentucky	59.8	(40)	53.3	(46)	53.5	(45)
Pennsylvania	59.6	(42)	54.6	(42)	53.9	(44)
Minnesota	59.5	(43)	55.6	(34)	55.0	(38)
Hawaii	59.5	(43)	53.2	(47)	53.2	(47)
Oregon	59.5	(43)	55.2	(38)	55.5	(34)
New York	59.4	(46)	52.2	(49)	53.4	(46)
Colorado	59.0	(47)	54.0	(43)	54.5	(41)
Louisiana	58.8	(48)	54.0	(43)	53.2	(47)
New Jersey	58.0	(49)	53.0	(48)	54.0	(43)
Puerto Rico	57.7	(50)	51.6	(50)	50.1	(51)
Virginia	57.2	(51)	51.6	(50)	51.1	(50)

\*Excludes District of Columbia

State*	Percent of Vehicles Exceeding 55 MPH		Percent of Vehicles Exceeding 60 MPH		Percent of Vehicles Exceeding 65 MPH	
	Percent	(Relative Rank)	Percent	(Relative Rank)	Percent	(Relative Rank)
Wyoming	77.0	(1)	39.0	(2)	17.0	(2)
Texas	70.0	(5)	34.5	(6)	14.0	(4)
North Dakota	67.0	(6)	37.5	(3)	17.5	(1)
New Mexico	63.0	(15)	35.0	(5)	12.5	(7)
Tennessee	65.0	(10)	29.0	(13)	13.0	(5)
Connecticut	77.0	(1)	40.0	(1)	15.0	(3)
Maine	71.5	(4)	37.0	(4)	11.5	(8)
Arizona	67.0	(6)	34.0	(7)	13.0	(5)
Nevada	62.0	(16)	30.5	(10)	10.0	(9)
Vermont	64.0	(13)	29.0	(13)	8.5	(13)
Mississippi	58.0	(25)	29.5	(11)	9.5	(12)
Florida	59.5	(23)	26.5	(18)	7.0	(21)
Oklahoma	64.5	(11)	28.5	(16)	10.0	(9)
Missouri	74.5	(3)	28.0	(17)	6.0	(24)
Utah	67.0	(6)	31.5	(9)	10.0	(9)
Indiana	66.5	(9)	29.5	(11)	7.5	(18)
Montana	58.5	(24)	24.0	(21)	8.0	(15)
Kansas	62.0	(16)	25.5	(20)	7.5	(18)
Massachusetts	60.5	(20)	24.0	(21)	8.0	(15)
Alabama	57.5	(27)	24.0	(21)	8.0	(15)
Ohio	56.0	(31)	22.0	(26)	5.0	(27)
Arkansas	54.5	(32)	26.5	(18)	5.5	(25)
Georgia	60.5	(20)	32.5	(8)	7.5	(18)
Iowa	60.0	(22)	19.5	(31)	4.0	(35)
South Dakota	64.0	(13)	29.0	(13)	8.5	(13)
North Carolina	64.5	(11)	23.5	(24)	4.5	(31)
Illinois	58.0	(25)	22.0	(26)	5.0	(27)
California	52.5	(33)	23.0	(25)	7.0	(21)
Michigan	50.5	(37)	18.0	(34)	4.0	(35)
Nebraska	61.0	(19)	20.0	(30)	4.0	(35)
Washington	62.0	(16)	18.5	(33)	3.0	(42)
West Virginia	56.5	(28)	20.5	(29)	4.5	(31)
Wisconsin	52.5	(33)	17.5	(35)	3.5	(40)
Idaho	49.0	(39)	12.5	(47)	5.0	(27)
South Carolina	56.5	(28)	16.0	(37)	2.5	(44)
Rhode Island	51.0	(35)	15.5	(39)	6.5	(23)
New Hampshire	45.0	(42)	19.5	(31)	4.0	(35)
Delaware	56.5	(28)	21.0	(28)	5.0	(27)
Maryland	46.5	(40)	14.0	(41)	2.5	(44)
Alaska	40.5	(44)	16.0	(37)	5.5	(25)
Kentucky	38.5	(46)	15.0	(40)	4.5	(31)
Pennsylvania	46.0	(41)	17.0	(36)	4.5	(31)
Minnesota	50.5	(37)	13.5	(43)	2.5	(44)
Hawaii	38.0	(48)	13.5	(43)	4.0	(35)
Oregon	51.0	(35)	13.5	(43)	2.5	(44)
New York	38.5	(46)	14.0	(41)	3.5	(40)
Colorado	39.5	(45)	9.0	(50)	1.0	(50)
Louisiana	37.5	(49)	9.5	(49)	3.0	(42)
New Jersey	44.0	(43)	7.5	(51)	1.5	(48)
Puerto Rico	31.5	(50)	11.0	(48)	5.0	(27)
Virginia	30.5	(51)	13.5	(43)	1.5	(48)

\*Excludes District of Columbia

Source: Federal Highway Administration

first year of the 55 mph speed limit, highway deaths dropped by an astonishing 9,353 fatalities. This 16.8 percent decrease marked the largest one-year absolute fatality reduction since 1942, and the second largest absolute decrease in U.S. motor vehicle history. The 1974 total fatality figure of 46,286 marked a ten year low, the fewest U.S. traffic deaths since 1963.

Moreover, the annual fatality rate (fatalities per 100 million vehicle miles), which had decreased by an average of 4.2 percent per year since passage of the Highway Safety Act of 1966, dropped 14.7 percent in 1974 (See Table 3). Fatality rates are perhaps a better safety index than the absolute number of fatalities, since the number of fatalities is affected by the extent to which vehicle miles traveled increase or decrease.

TABLE 3

Annual Motor Vehicle Fatalities  
And Fatality Rates

<u>Year</u>	<u>Fatalities</u>	<u>Fatalities Per</u> <u>100 Million Vehicle Miles</u>	<u>% Reduction in Fatality</u> <u>Rate from Previous Year</u>
1966	53,044	5.71	---
1967	52,924	5.47	4.2
1968	53,862	5.28	3.5
1969	55,791	5.23	0.9
1970	54,633	4.90	6.3
1971	54,831	4.63	5.5
1972	56,275	4.45	3.9
1973	55,639	4.22	5.2
1974	46,286	3.60	14.7
1975	46,011	3.45	4.2
1976	46,820	3.30	4.3

Source: National Highway Traffic Safety Administration  
fatality statistics  
Federal Highway Administration travel statistics

Many factors played a role in reducing traffic fatalities in 1974, including automobile safety features, increased use of seatbelts, and, particularly, the significant reduction in travel in the first half of 1974. Nevertheless, studies con-

ducted by both the government and the private sector have consistently attributed at least 50 percent of the 1974 fatality reduction to the 55 mph speed limit. These studies have been borne out by the fact that 1975 fatalities decreased even further despite increases in travel to levels higher than those in 1973. The 55 mph speed limit is generally regarded as the single most important factor in reducing highway deaths since 1973, and perhaps the most important safety measure in modern times.

The distribution of fatalities by roadway types for 1973-1975 is presented in Table 4. The largest percentage 1974 decrease occurred on the Interstate system where 32.8 percent fewer lives were lost in 1974 than in 1973. The largest absolute decrease occurred on Federal-aid primary roads other than Interstate, where 3,968 fewer lives were lost in 1974. This latter figure represents 42.4 percent of the total 1974 fatality reduction for all roads.

TABLE 4  
Traffic Deaths by Highway System <sup>1</sup>  
1973 - 1975

<u>Highway System</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
Interstate Final <sup>2</sup>	4,942	3,323	3,282
Interstate-Traveled Way <sup>3</sup>	1,691	1,187	932
Other Federal-Aid Primary	18,573	14,605	14,315
Federal-Aid Secondary--State	9,300	7,739	7,156
Federal-Aid Secondary--Local	4,512	3,972	3,591
Federal-Aid Urban	2,441	2,905	4,681
Other State	1,865	1,411	1,323
Local Roads and Streets	<u>11,789</u>	<u>10,936</u>	<u>10,231</u>
	55,113	46,078	45,511

1. Total fatalities differ from those reported in Table 3 because of differences in fatality reporting systems.
2. Interstate Final is that part of the Interstate system which has been completed to Interstate design standards.
3. Interstate-Traveled Way includes both unfinished segments of Interstate highways and non-Interstate routes serving Interstate traffic until Interstate routes are open for use.

Source: Federal Highway Administration

1976 marked the first increase in highway traffic deaths since enactment of the 55 mph speed limit -- an increase of 809 fatalities or 1.8 percent over the previous year. The major reason for this increase was more highway travel, rather than higher speeds; U.S. highway travel in 1976 rose by an estimated 6.5 percent, to a total of 1,416 billion vehicle miles. However, the relationship between highway deaths and speed has been clearly established. Commissioner Glen Craig of the California Highway Patrol has suggested that for each mile per hour decrease in speeds in California, fatalities decrease by 40 annually. This correlation is difficult to prove statistically. Nonetheless, should speeds continue to increase, and equally important, should speed differentials between vehicles increase, it can be expected that deaths will begin to rise at a higher rate than expected on the basis of increased travel alone.

Finally, it should be noted that the 55 mph speed limit has not only saved lives, but has reduced the number of significant injuries. Neurologist Dr. Simon Horenstein told an American Medical Association convention in 1976 that the number of spinal cord injuries caused by auto accidents had dropped by 60 to 70 percent at his hospital, with the most important factor being the reduced speed limit. The Epilepsy Foundation of America recently issued a report that states, "The 55 mile per hour speed limit has proved to be the single most important preventive for new cases of epilepsy because it has reduced the number of head trauma injuries resulting from automobile accidents." The report estimated that the speed limit has prevented at least 90,000 epilepsy-causing head injuries each year.

#### Energy Implications

Though originally enacted as a fuel conservation measure, the 55 mph speed limit has not had the same dramatic effect on saving fuel as lives. Nevertheless, the Federal Highway Administration has estimated that highway fuel consumed in 1975 was 0.8 to 2.9 percent less as a result of slower driving speeds than would have been expected based on 1962-1972 growth rates. If not for the 55 mph speed limit motorists would have consumed at least one billion more gallons of gasoline in 1975. It is estimated hypothetically that if all vehicles today observed the 55 mph speed limit, some 200,000 barrels, or 8.4 million gallons of gasoline (assuming 42 gallons per barrel) would be conserved per day.

The President, in his National Energy Plan, has called for a 10 percent reduction in gasoline otherwise required by 1985. Reasonable compliance with the speed limit can make a significant contribution toward achieving this reduction.

Table 5 illustrates the impact of speed on automobile fuel consumption rates.

TABLE 5

Effect of Speed on Fuel Consumption  
Rates for Selected Automobiles  
 (without air conditioning)

MPG at Selected Speeds				
<u>MPH</u>	<u>Subcompact</u> <u>(2450 lb)</u>	<u>Compact</u> <u>(3500 lb)</u>	<u>Standard</u> <u>(4530 lb)</u>	<u>Luxury</u> <u>(5250 lb)</u>
30	31.45	21.33	20.33	18.33
40	35.19	21.33	20.00	19.28
50	33.05	18.94	17.50	15.62
55	31.91	18.17	16.84	14.92
60	30.78	17.40	16.17	14.22
70	22.82	15.36	14.86	12.74

Source: Federal Highway Administration

Applying these mileage rates to a 200-mile trip (at a steady speed, without stops and starts) at a fuel cost of \$.65 per gallon, motorists would achieve the following cost savings by driving at 55 rather than 70 mph: subcompact -- \$1.62; compact -- \$1.31; standard -- \$1.03; and luxury -- \$1.50. The time saved by driving 70 mph rather than 55 mph would be 47 minutes. Given these trade-offs, the individual motorist may decide that his time is more valuable than the money saved, and may not be deterred from breaking the speed limit on the basis of personal fuel consumption alone. It is important to recognize that motorists must be informed not only of their individual fuel savings, but of the collective national conservation benefits -- a total savings of \$1.99 billion in gasoline expenditures per year if all obey the speed limit -- and the life-saving advantages.

Apart from individual motorists, there are significant financial savings to be gained by truck and bus companies. Mr. Fred Curry, Board Chairman for Continental Trailways, has stated that his fleet saved 1,200,000 gallons of diesel fuel in 1976 by driving at 55 mph. Assuming an average cost of diesel fuel of \$.45 per gallon, total one year savings approximated \$540,000. Other savings for buses and trucks may result from reduced maintenance, longer tire wear, and increased engine life.

### III. PUBLIC SUPPORT FOR 55 MPH

The major goal of the 55 mph program is to achieve voluntary compliance with the law. Ideally, motorists should recognize the life-saving and fuel-economy benefits of the speed limit and choose willingly to observe it. The degree of voluntary compliance has major implications for enforcement work. Police officials maintain that under normal circumstances they can have an enforcement impact on 15 to 25 percent of highway speeders. Any lack of compliance beyond these levels places a difficult enforcement burden on the police.

Public support for and observance of the 55 mph speed limit were impressive during 1974 as speeds dropped dramatically. As seen from current speed monitoring statistics, however, the level of observance is decreasing. Ironically, public support of the measure remains high even as fewer people obey. A Gallop Poll released on March 31, 1977 indicates that 76 percent of those polled favor keeping the 55 mph speed limit, while 22 percent oppose. Table 6 indicates the results of seven state and local surveys taken in late 1976 and early 1977. Support for the speed limit ranged from 58 to 87 percent, while opposition ranged from 10 to 37 percent.

TABLE 6

#### Recent Public Opinion Surveys on 55 MPH

<u>State</u>	<u>Conducted by</u>	<u>% Favor</u>	<u>% Oppose</u>	<u>% No Opinion</u>
CA	S.F. Examiner	63	37	--
GA	State Highway Patrol	75	15	10
MD	State Police	80	20	--
NV	Office of Highway Safety	58	34	8
NH	Highway Safety Agency	87	10	3
NM	Traffic Safety Commissioner	71	28	1
NY	Daily News	83	14	3

Given this support for keeping the speed limit, it is difficult to pinpoint the reasons for increased lack of actual observance on the highways. The impact of seeing other motorists speed may be one factor. Skepticism over an energy crisis may be another factor. Finally, there is often an "it only happens to someone else" attitude with respect to highway fatalities which often blunts the logic and effectiveness of the safety argu-



ment for 55 mph. Whatever the reasons, it is clear that the potential exists for voluntary cooperation. A major public support campaign must be designed to tap this potential.

The lead for a public support program must necessarily come from the federal level. Though the states are responsible for enforcing the 55 mph speed limit, it is national in enactment and scope, with national goals. It is the responsibility of the federal government to help establish credibility in those goals and to alter driver attitudes and behavior. Former Illinois State Police Superintendent Dwight E. Pitman has written:

We believe that a suitable level of compliance can be gained only by convincing motorists of the credibility of the 55 mile per hour speed limit. In other words, responsibility for the massive enforcement program that has been assigned to the states should be matched by a massive public education program sponsored by the Federal Government. The states cannot put credibility into the 55 mph speed limit -- it must be done at the Federal Government level, and the sooner the better.

The International Association of Chiefs of Police has passed a resolution asking the federal government to develop and implement a "comprehensive" 55 mph public information program.

Since passage of the 55 mph limit, the Department of Transportation has taken several steps to increase voluntary compliance. DOT has, with the cooperation of the Advertising Council, developed an all-media 55 mph campaign including television commercials, radio spots, newspaper and magazine advertisements, bumper stickers, and flyers. The original slogan of this campaign -- "It's Not Just a Good Idea, It's the Law" -- has been revised to the more positive theme -- "It's a Law You Can Live With." In 1976, all media donated at least \$27 million in free advertising time for the 55 mph campaign.

In addition, DOT has distributed free promotional material to the states. DOT representatives have met with numerous enforcement, highway safety, and motorist groups to enlist their active support and participation in the 55 mph effort.

While these steps have been helpful, they have not provided the massive program which is required to affect driver attitudes and behavior. To achieve this goal, a new and expanded public support program is required, which offers a national focus while providing technical assistance at the state and regional level for more localized campaigns. This effort must be long term in nature. It must seek to overcome the skepticism which has developed concerning the speed limit in order to achieve increased voluntary compliance.

The national public support program must continue to highlight the national goals of the 55 mph speed limit through television and radio spots, and the development of promotional materials targeted toward the motorist. In addition, the federal government must initiate a vigorous campaign with national opinion leaders and groups in the highway safety field to enlist their support. Key highway "communicators" such as the American Automobile Association must be encouraged to reach their membership.

Approximately a year ago, I met with the National Homemakers Extension Council. This organization, with over 400,000 members around the country with a strong interest in public service, expressed its desire to assist DOT in its 55 mph efforts by working within individual communities. Groups such as the Council represent an unused but valuable resource. The Department's program should be designed to mobilize such organizations in support of the speed limit.

In addition to a national program, there is a major need for the Department to assist states in their own public information efforts. Many states have neither the budget nor the expertise to conduct a local public support program. States such as Maryland have proved the worth of such programs in supplementing, and in some cases reducing the need for, patrol work. In many cases, a large budget has proved unnecessary if the proper techniques are developed. DOT should provide to states assistance required to develop and implement public support techniques which complement their enforcement programs.

Several states have recently initiated a regional approach to 55 mph public information and enforcement programs, and, in fact, this kind of program was recommended by Governor Ella Grasso of Connecticut. The regional concept would seem particularly effective in Connecticut and other states which serve as "pass-through" points for vacationers and business travelers destined for other areas. In May of this year, California, Arizona, Nevada, Oregon, and Washington developed a regional program to inform motorists of the benefits of maintaining the speed limit. Michigan, Indiana, Ohio, and Illinois by regional agreement undertook a major enforcement program over the recent Labor Day weekend under the name "Project CARE." The results of these efforts are still being evaluated, but preliminary analysis indicates that this regional approach met with considerable success in reducing fatalities on target highways. The Department of Transportation should encourage and assist states in developing regional public information and enforcement programs where appropriate, to reduce speeds and fatalities on targeted interstate travel corridors with major traffic flows.

### Truck Traffic

Speeding trucks present a particular problem in achieving voluntary compliance with the speed limit. Trucks are highly visible on the highways. In addition, many trucks employ Citizen Band radio and radar detection devices to avoid apprehension, and motorists consider the speeding truck as a sign that all is clear.

The benefits of truck compliance with the 55 mph speed limit are demonstrated by Table 7, which presents fatalities resulting from accidents in which interstate carriers were involved from 1973 through 1976. While fatalities for all motor vehicles fell by 16.8 percent in 1974, truck-related fatalities dropped by 20.6 percent. In turn, the 1976 increase in truck-related fatalities of 12.9 percent was considerably higher than the overall increase of 1.8 percent for all vehicles. The increase in truck-related fatalities appears primarily to be the result of increased truck travel. Even so, this 288 fatality increase represents a surprising 35.6 percent of the total fatality increase for all motor vehicles of 809.

TABLE 7

Truck-Related Highway Fatalities<sup>1</sup>  
1973 - 1976

<u>Year</u>	<u>Fatalities</u>
1973	3,058
1974	2,429
1975	2,232
1976	2,520

1. Fatalities resulting from accidents in which trucks were involved.

Source: Based on reports submitted by interstate carriers only to Bureau of Motor Carrier Safety

Many truck drivers have maintained that truck engines burn diesel fuel more efficiently at speeds in excess of the 55 mph speed limit. This argument has been refuted by Department of Transportation studies which indicate more efficient

mileage at 55 mph and below. Table 8 summarizes the effect of highway speed on truck fuel consumption, as determined from tests made by the Federal Highway Administration.

TABLE 8

Effect of Speed on Fuel  
Consumption Rates

<u>Vehicle Number</u>	Miles Per Gallon at Selected Speeds			
	<u>50</u>	<u>55</u>	<u>60</u>	<u>65</u>
1	5.12	5.06	4.71	
2	5.41	5.02	4.59	4.08
3	5.45	4.97	4.52	
4	5.21	4.90	4.88	4.47
5	4.49	4.40	4.14	3.72
6	4.97	4.51	4.42	

Source: Federal Highway Administration

Numerous complaints have been received from motorists regarding speeding trucks. In light of the high visibility of truck traffic, and the close relationship of trucks to rising highway fatalities, the Department must make a special effort to obtain the support of truck drivers. The American Trucking Association and the Teamsters Union have endorsed the 55 mph speed limit, and have taken steps to encourage compliance among members. In addition, support has come from the truck insurance industry. DOT must continue to work closely with these and other groups to achieve greater trucker acceptance of the speed limit.

#### IV. FEDERAL SUPPORT OF 55 MPH -- SETTING THE FEDERAL EXAMPLE

State enforcement and safety officials have over the past two years complained of lukewarm support from the federal government for the 55 mph speed limit despite the fact that it is a federally-imposed requirement. Police officers in particular have complained of being alone on the firing line facing hostile motorists, without strong backing from the federal government, state legislatures, or in some cases the judiciary.

The active endorsement of President Carter, on August 31, 1977, has once and for all affirmed the commitment of the federal government to this important statute. President Carter has termed the speed limit "a matter that deserves, and must have, greater Federal attention." He asked that state officials be informed "that Federal support will be supplied, and appropriate Federal actions taken, to assist them in their programs."

Several steps have already been taken to demonstrate federal support for 55 mph. A message has been issued to all DOT employees directing that they observe the posted speed limit when operating government vehicles, and requesting their support in their personal driving. In addition, the Department of Transportation has contacted the General Services Administration and the Department of Defense, asking their support with respect to other government employees and vehicles. 55 mph bumper stickers, which have been developed for the federal public support program, could be placed on all government vehicles.

In addition, appropriate government officials should continue to speak out on the 55 mph speed limit in their various speaking engagements. Speaking platforms will be arranged with key organizations which influence public opinion with respect to traffic safety and enforcement.

Long term federal commitments such as an increased public support program and federal financial assistance are discussed elsewhere in this report.

## V. STATE ENFORCEMENT OF THE 55 MPH SPEED LIMIT

The law which established the 55 mph national speed limit requires the Secretary of Transportation to withhold approval of all Federal-aid highway projects from any state which fails to enact a 55 mph speed limit. Actual establishment of the speed limit is a matter of state law, and enforcement a state responsibility. However, each state must certify annually to the federal government that it is "enforcing" the speed limit, with withholding of Federal-aid highway construction funds the sanction for failure to comply.

Below is a discussion of state 55 mph statutes, funding of state enforcement, and federal "enforcement" criteria under the national statute.

### State Laws

All states established 55 mph speed limits in timely fashion after enactment of the national statute. The effectiveness of these statutes, however, depends in part on the penalties assessed for their violation. Current state penalties range from a fine of up to \$500 plus assessment of points in Maryland to a \$5 fine and no points in Idaho (see summary of state laws in Appendix III). Since 1974, nine states have increased their penalties for violation of the speed limit. Seven states have enacted less severe penalties -- Iowa, Kansas, Kentucky, Nebraska, Oklahoma, Oregon, and Tennessee.

A trend toward lower penalties has become more evident in the last six months. Some state legislatures have apparently determined that they can blunt the effectiveness of the speed limit by rendering penalties virtually meaningless. This approach maintains the official 55 mph speed limit, but in effect "nibbles" away at the limit by decreasing or eliminating the deterrent.

The Secretary of Transportation sent telegrams to all state governors on March 25, 1977 expressing concern over the growing trend toward reduction of penalties, and warned that any significant lessening of penalties would raise a "substantial question" as to whether that state is "enforcing" the speed limit within the meaning of the federal law. Since that time, the governors of North Dakota, South Dakota, Utah, and Texas have vetoed legislation to weaken 55 mph penalties. While these vetoes are encouraging, the passage of legislation by the respective state houses evidences the current lack of support among many state legislatures.

### Funding of Enforcement

The 55 mile per hour speed limit imposed new and massive speed enforcement responsibilities on state law enforcement agencies. Although no significant additional federal funds were provided to assist the police in enforcing the speed limit, speeding citations have increased significantly (see Table 9), and most state police agencies are still conducting intense and innovative speed limit enforcement programs. Nonetheless, as discussed above, speeds are again increasing and a majority of motorists do not comply with the limit.

TABLE 9

Annual Speeding Citations for Violations of  
55 MPH Speed Limit  
1973 - 1976

<u>Year</u>	<u>Citations</u>
1973	5,661,617
1974	6,106,108
1975	7,425,253
1976	7,813,875

Source: National Highway Traffic Safety Administration

The police strongly support the 55 mph speed limit, and the International Association of Chiefs of Police has passed a resolution of endorsement. However, in the face of fixed or decreasing budgets, uncooperative state legislatures, and increasing demands for other police services, police are having difficulty in sustaining the increased enforcement levels necessary to obtain acceptable speed limit compliance levels.

Both police and National Highway Traffic Safety enforcement experts agree that unless state law enforcement agencies are provided with additional funds sufficient to mount and sustain adequate and long range speed enforcement efforts, especially on the Interstate system, speeds will continue to increase.

In the past, state police agencies have been distrustful of federal highway safety funding assistance for police manpower because (1) such funds are usually available only for limited time periods (generally from one to three years), and state legislatures may not support the increased manpower when federal funds expire; (2) the amounts made available in the past were relatively insignificant when

compared to the magnitude of most state police budgets; and (3) the funds are not dedicated for enforcement, and are often administered by other state officials or agencies which may or may not agree that enforcement of the speed limit is or should enjoy a high funding priority in the state. (For example, state annual highway safety programs for FY 1977 identify only \$10 million for 55 mph actions or 7 percent of the \$163 million in section 402 funds programmed for obligation during FY 1977.)

State enforcement programs are currently funded primarily with state funds, with some federal assistance provided on a project-by-project basis through federal highway safety funds apportioned to the states annually under the state/community highway safety program (23 U.S.C. 402). States may also use Federal-aid highway planning money to conduct their speed monitoring surveys. State legislatures have often refused to provide additional state funds to enforce what they believe is a "federal law" with national objectives, and on occasion have refused to allow state agencies to accept federal funds for such programs.

FY 1978 DOT appropriations provide \$122 million for the state/community program under section 402. In addition Congress voted an additional \$43 million for high impact programs such as alcohol safety, selective enforcement, and the 55 mph speed limit. States are not required, however, to use any of this funding for 55 mph programs, and the funds actually allocated to 55 mph depend solely on the discretion of state highway safety officials.

The additional funds required to mount and sustain an adequate enforcement effort throughout the nation is not known. Given the enormous road mileage involved (approximately 40,000 miles of interstate highways, and over 550,000 miles of main rural highways), and the variance in state police salaries and fringe benefits, it is difficult to determine exact needs at this time. The following funding estimates have been developed:

- ° Congressman James Howard, Chairman of the House Surface Transportation Subcommittee, has introduced the Surface Transportation Assistance Act of 1977 which, among other provisions, would authorize \$50 million per year of dedicated funding for 55 mph during FYs 1979, 1980, 1981, and 1982.
- ° The International Association of Chiefs of Police recently conducted a survey of all state law enforcement agencies to determine 55 mph funding needs. The



survey concluded that federal funding of \$50 million for the first year, and \$275 million per year thereafter, would be required to assure satisfactory motorist compliance levels. This estimate was based on a 20 percent increase in existing state police traffic enforcement budgets. The IACP also indicated that additional funding must be provided over a long time frame (preferably ten years), to allow for gradual and permanent absorption of increased manpower costs in state police budgets.

### Federal Enforcement Criteria

23 U.S.C. 141 requires each state to certify annually to the Secretary of Transportation that it is "enforcing" the 55 mph speed limit. The Secretary is required to withhold all Federal-aid highway project approval from any state which fails to comply.

The Department of Transportation has determined that it has legal authority under 23 U.S.C. 141 to question and reject a state's certification of enforcement. In light of this authority, the Department issued regulations on September 9, 1975 (23 C.F.R. 658.7) requiring states to submit with their annual certifications information on the number of citations issued during the certification year, state administrative orders and policies regarding enforcement, and summary speed statistics. The Department has had difficulty in reviewing these submissions, and determining the adequacy of state certifications, due to the absence of "enforcement" criteria by which to evaluate state performance under the statute.

The statute itself provides neither direct authority nor guidance for the establishment of enforcement criteria. The Department has explored in depth the feasibility of defining "enforcement" through the use of federal criteria, but has found this to be a difficult if not impossible task. The term "enforcement" encompasses a wide variety of progressive and interrelated activities by police officers, prosecuting attorneys, the courts, and state driver licensing agencies. Many of these enforcement measures cannot be quantified. For example, the deterrent effect of oral warnings, visible patrol by police, and public information campaigns, though in many instances quite effective, cannot statistically be measured. The degree of latitude allowed by courts is similarly immeasurable, as is the deterrent impact of fear of loss of license. All of these factors are integral parts of "enforcement" and are believed to have a significant effect on driver behavior.

In addition, police "enforcement" is in large measure determined by conditions beyond police control, such as constraints on personnel, equipment, and budgets imposed by the legislature. California, for example, will not authorize its highway patrol to purchase radar to enforce highway speed limits. Topographical differences within particular regions or states also influence enforcement practices and success.

Given the great variety of enforcement techniques and the many variables affecting police action, it is clear that what constitutes effective and adequate enforcement in one state may be inadequate or impossible to implement in another. The development of a precise and uniform federal standard as to what constitutes adequate "enforcement" under 23 U.S.C. 141 which would be both effective and equitable to all states appears unfeasible.

Speed limit "compliance" -- the percentage of motorists driving at or below 55 mph -- can be more uniformly monitored, measured, and quantified than enforcement activities. Improved speed limit compliance is in fact the goal of speed enforcement and related public information activities. The national standard to be applied in evaluating state performance might appropriately be based on the results rather than on the myriad of actions which may be carried out to obtain those results.

It is unrealistic to expect that the states can ever achieve 100 percent compliance with the 55 mph speed limit (or with any speed limit). However, past experience with enforcement of other speed limits indicates achievement of an 85th percentile speed of 55 mph (85 percent of all vehicles driving at or under 55 mph) is realistic provided that a reasonable time frame for reaching that goal is established. This approach will require authorization from Congress. In addition, current speed monitoring techniques will have to be reviewed and revised as necessary to assure the accuracy of these measurements.

## VI. RECOMMENDATIONS FOR FEDERAL ACTION

Based on the findings of this report, the following recommendations are submitted for the improvement of the federal 55 mph program.

### A. Federal Public Support Program

The primary objective of the federal 55 mph program should be to achieve reasonable voluntary compliance with the speed limit.

Recommendation -- The Department of Transportation should initiate a major, long-term public support program designed to alter driver attitudes and achieve voluntary compliance. This program should include the following elements:

1. Continue the current national advertising campaign being conducted through the Advertising Council, with increased emphasis on regionalized and localized promotion. Expand efforts to obtain media support through placement of 55 mph advertisements, newspaper articles, and editorial endorsements.
2. Expand efforts to obtain industry and private sector support for 55 mph. DOT should seek the active assistance of key safety, enforcement, motoring, and public service organizations to work with their membership and within their communities. Where appropriate state and local organizations should be encouraged to work with state legislators.
3. Provide DOT technical assistance to state safety and enforcement officials for development of individual state public information and education programs.

### B. Setting the Federal Example

State officials have in the past complained of lukewarm support from the federal government while the states are left to shoulder a massive enforcement burden. President Carter's strong endorsement of the 55 mph speed limit has firmly established the federal commitment to the speed limit. This commitment should be followed up at other levels of the federal government.

Recommendation -- The Department of Transportation should continue to emphasize the federal commitment to the 55 mph speed limit. This can be accomplished through speaking platforms and discussions with state officials. In addition, DOT should take steps to assure that federal employees and vehicles travel within the speed limit.

#### C. Federal Funding Assistance for State Enforcement

It is generally recognized that additional federal funding must be provided to state law enforcement agencies if a reasonable degree of compliance with the 55 mph speed limit is to be achieved.

Recommendation -- The Department of Transportation should request from Congress funds specifically earmarked for state 55 mph enforcement on a long-term basis. Support should be given to a proposal introduced by Congressman James Howard which would provide \$50 million in dedicated 55 mph funding for each of the next four fiscal years.

#### D. Federal Compliance Criteria

The Department of Transportation has for several years attempted to develop standards of "enforcement" by which to evaluate state performance. This task has proved difficult in light of the many enforcement factors which cannot be quantified or measured. The establishment of standards based on level of motorist compliance with the speed limit in each state appears to be a more reasonable approach to setting standards. A goal of 85 percent compliance is realistic, provided that a reasonable time frame is provided for achieving this goal.

Recommendation -- DOT should request authority from Congress to establish national speed compliance standards, to be based on a graduated schedule for achieving an ultimate goal of 85 percent compliance with the 55 mph speed limit. Steps should be taken to assure that current speed monitoring techniques are sufficiently accurate to measure progress toward the 85 percentile goal.

E. Federal Technical Assistance for State Enforcement

Many states have requested technical assistance from the federal government for development of 55 mph enforcement techniques.

Recommendation -- DOT should provide enforcement technical assistance to the states. Technical assistance experts could be combined with public information and education experts to form DOT technical assistance teams to assist states in developing a full 55 mph program.

APPENDIX I  
STATEMENT BY THE PRESIDENT URGING  
COMPLIANCE WITH THE 55 MILE SPEED LIMIT

Office of the White House Press Secretary  
-----THE WHITE HOUSESTATEMENT BY THE PRESIDENT URGING  
COMPLIANCE WITH THE 55-MILE SPEED LIMIT

When I delivered my energy message last April, I hoped that the national 55 mile per hour speed limit --already in force -- would help reduce gasoline consumption, which is essential if we are to extend the world's finite supply of oil. If we all drove within the speed limit we could save more than eight million gallons of gasoline a day. That's nearly a third of the reduction in total gasoline consumption I asked for in my energy program.

We have saved gasoline by driving slower. Tests by the Federal Highway Administration indicate that, depending on the type of car, drivers can get from 17 to nearly 50 per cent better gas mileage at 55 mph than at 70. And we have saved lives. Since the lower speed limit was adopted nationally three years ago, there have been approximately 9,000 fewer highway deaths each year than in 1973. The reduced speed limit has been the biggest single factor in this 17 per cent drop in highway fatalities.

Unfortunately, highway speeds are again creeping up. Highway safety officials tell us that enforcement is difficult as average interstate speeds again approach 65. Worst of all, the numbers of people being killed or seriously injured in highway accidents are rising again with the increase in vehicle speeds. In July, 169 more Americans died on our highways than in July of last year; for June, the increase was 175.

This is a matter that deserves, and must have, greater Federal attention. Gen. Davis, as special representative to Secretary Adams on 55 mile per hour speed limit education and enforcement, I hope you will redouble your efforts in communicating the importance of the 55 mph speed limit to the safety leaders of our states and the people of America. Let it be clearly understood that by exceeding the speed limit we are wasting fuel and, in too many instances, lives as well.

In your meetings with state law enforcement and safety officials, please convey my concern and assure those responsible for the safety of our highways that Federal support will be supplied, and appropriate Federal actions taken, to assist them in their programs. I will expect a report in 30 days on the status of speed limit compliance throughout the country along with recommendations from the Secretary of Transportation on any additional measures considered advisable to save fuel and stem the tide of fatalities on the nation's roads.

APPENDIX II  
SUMMARY OF GENERAL DAVIS'  
MEETINGS WITH STATE GOVERNORS



## APPENDIX II

### MEETINGS WITH STATE GOVERNORS

September 1977

Following the August 31, 1977 meeting with President Carter, discussions were held in nine states to obtain current state views with respect to the 55 mile per hour speed limit. States were selected to provide a good geographical cross section. These discussions are briefly summarized below.

#### Connecticut-- September 15

Participants included Governor Ella T. Grasso, State Highway Safety Representative Norman C. Booth, and Colonel Orlando Ragazzi, Executive Officer of the Connecticut State Police. Governor Grasso expressed her strong commitment to the 55 mph speed limit, and asked that President Carter be assured of her cooperation.

Connecticut recognizes that its recorded highway speeds are high in relation to other states. These speeds were attributed in part to interstate travelers using Connecticut highways to travel between out-of-state origins and destinations. State officials proposed a regional approach to speed limit public information and enforcement programs to attack this "pass-through" problem. Connecticut officials expressed a desire to initiate a vigorous public information and enforcement program, and requested federal technical assistance for this effort. Officials also expressed a need for additional funding for enforcement.

#### Massachusetts -- September 15

A meeting was held with Governor Michael S. Dukakis, State Highway Safety Representative Charles Berry, and State Chief of Police Colonel John F. Kehoe.

Governor Dukakis has been well-known for some time as a strong supporter of 55 mph, and has taken aggressive action to make certain that state employees on duty observe the limit. The Governor reiterated his support, and emphasized that citizen cooperation consistently makes the difference. He recommended a strong public information program, and a "carrot" or incentive approach to state enforcement rather than the threat of highway funds cut-off.

Tennessee -- September 19

Governor Blanton was unavailable as scheduled because of an unexpected State matter, and a meeting was held with Joel Plummer, Tennessee Commissioner of Public Safety. Tennessee's 55 record has not been good. However, the Governor issued a strong statement supporting the 55 mph speed limit, and Commissioner Plummer is in the process of announcing a new comprehensive 55 mph program.

Mississippi -- September 22

Participants included Governor Cliff Finch and Commissioner of the Mississippi Department of Public Safety James Finch. Governor Finch expressed support for 55 mph and indicated that the key to success in Mississippi is the provision of additional manpower, training, and equipment. State officials indicated that they would welcome a DOT technical assistance team to aid in developing a public information and enforcement program. Commissioner Finch said that Mississippi is enforcing the speed limit and would like to see all states enforce 55 mph exactly, with no tolerance.

Missouri -- September 26

Governor Joseph P. Teasdale was unable to participate in discussions on the speed limit. Meetings were held with Jerry Ortbalf, Executive Assistant to the Governor, and Colonel Al Lubker, Superintendent of the Missouri State Highway Patrol.

In general, state officials were not as enthusiastic about enforcement of the speed limit as many of the other states visited. They indicated that the federal government should bear a greater portion of the burden of achieving motorist compliance. Officials recommended that more federal money be made available for state enforcement, and requested that a major public education and information campaign be instituted. They specifically asked that national television spots be regionalized for greater effectiveness.

Arizona -- September 27

Governor Raul H. Castro will be resigning shortly to become Ambassador to Argentina. A meeting was held with Secretary of State Wesley Bolin, who, under State law, will succeed to the governorship. Governor-to-be Bolin promised his support of the speed limit.

Additional meetings were held with Deno DeConcini, Governor's Executive Assistant, and the Governor's Highway Safety Representative James Hill.

Oregon -- September 28

Participants included Governor Robert W. Straub, State Highway Safety Representative Gil W. Bellamy, and Robert R. Fisher, Superintendent of the State Police. Governor Straub is a strong believer in the open-door policy, and the meeting was attended by the press.

The Governor strongly endorsed the 55 mph speed limit. He stated that Oregon troopers enforce the limit without allowing the traditional 5 mph "tolerance" given in many other states, a policy which affects many interstate travelers when they cross the Oregon border. Governor Straub expressed a need for more troopers for speed limit enforcement, particularly for patrol of the Interstate system.

Montana -- September 29

A meeting was held with Governor Thomas L. Judge, Al Goke, Administrator of the Division of Highway Traffic Safety, and Colonel Joe Sol, Chief of the Highway Patrol. Governor Judge expressed support for the speed limit, but added that he would rather have a 60 mph law. The Governor recommended in particular that federal-aid highway funds be distributed as block rather than categorical grants to allow more flexibility in state use of funds, including use for 55 mph enforcement. Governor Judge also asked that states be permitted to apply federal money to the purchase of prime television time, which is difficult to obtain on a public service basis. Colonel Sol stated that he is hindered by a small force, which allows him to assign no more than 30 troopers on the highway on any given day. However, Montana is enforcing the speed limit to the extent feasible within this constraint.

Iowa -- September 30

A meeting was held with Governor Robert D. Ray, State Highway Safety Representative Robert F. Tyson, Lance Faust, Director of Highway Safety Programs, and Commissioner Charles S. Larson, Public Safety Director. Governor Ray pledged strong support for the 55 mph speed law, but indicated that there is some opposition in the legislature. He asked General Davis to meet with the legislature in the near future. The Governor was well aware of the benefits in driving 55 mph. He also expressed a desire to have DOT technical assistance teams work with their safety people on better programs to combat the current gradual increases in speeds.

APPENDIX III  
STATE BY STATE ANALYSIS OF PENALTIES ASSESSED  
FOR VIOLATION OF 55 MPH SPEED LIMIT

As of August 1, 1977

STATE	HOW 55 MPH LIMIT IS ESTABLISHED	PENALTIES FOR VIOLATION OF NMSL 1974	PENALTIES FOR VIOLATION OF NMSL 1977
ALABAMA	BY Law	\$100 fine - Maximum 10 day jail sentence No points	Same - Except points may be applied
ALASKA	BY Law	\$200 fine - maximum points	Same
ARIZONA	By Law Until July - 1979	\$100 fine maximum 10 days jail - maximum No points	Same
ARKANSAS	By Highway Commission	\$100 fine maximum or 10 days jail - points	Same
CALIFORNIA	By Law	\$50 fine - maximum Points	Same
COLORADO	By Law	\$25 maximum Points	1-9 miles over 55 - 3pts - \$100 maximum fine 10-19 miles over 55 - 4 points - \$100 maximum fine 20 miles over 55 - 6 points - 300 maximum fine and/or jail 90 day maximum
CONNECTICUT	By Traffic Commission	\$35 fine up to 70 mph 100 fine 70 mph or over	Same
DELAWARE	By Law	\$250 fine - maximum No points	Same
FLORIDA	By Law	\$500 fine - maximum No points	Same
GEORGIA	By Law	\$100 fine - maximum 12 mons. jail - maximum Points	Same
HAWAII	By Law	\$100 fine - maximum 10 days jail - maximum Points	Same
IDAHO	By Law	\$5 fine - maximum No points - not moving violation for insurance	Same

STATE	HOW 55 MPH LIMIT IS ESTABLISHED	PENALTIES FOR VIOLATION OF NMSL 1974	PENALTIES FOR VIOLATION OF NMSL 1977
ILLINOIS	BY Law	\$100 fine - maximum - points \$10 days jail - maximum	Same
INDIANA	By Law	\$100 fine - maximum 10 days jail - maximum Points	Same
* IOWA	By Law	\$20 fine - set penalty No points	\$1.00 per mile under 65 - may send in by mail - Over 65 1.00 per mile plus \$20
* KANSAS	By Law	\$500 fine - maximum No points	\$500 fine - maximum - no record in driver file-no points
KENTUCKY	By Law	\$10 to \$100 fine maximum Points	\$10 to \$100 fine maximum - No points for speed between 55 mph and 70 mph on Interstate and limited access highways.
LOUISIANA	By Law - Will increase when 26 States increase theirs.	\$100 fine maximum - 2 points between 55 and 70 court cannot take license	Same
MAINE	By Law	\$10 to \$100 fine no points	Same
MARYLAND	By law - legislation extends Governors emergency powers to March 15, 1978	\$500 fine - maximum Points	Same
* MASSACHUSETTS	BY Law	\$25 fine - maximum No points	Same
MICHIGAN	By Law	\$100 fine maximum No points for arrest between 55 to 70 mph	Same
* MINNESOTA	By executive order of the Governor	\$300 fine - maximum 90 day jail - maximum No points	Same
* MISSISSIPPI	By commission-law requires commission to set limit in conformance with Federal law	\$50 fine - maximum 5 day jail - maximum No points	Same

MISSOURI	By law - expires <del>January 1978</del> introduced to extend to January 1, 1980	\$1000 fine - maximum 1 year jail - maximum No points under 70 mph	Same
MONTANA	By law - Governor can set at 65 mph when withholding of funds not permitted	Daytime \$5 fine no points for exceed 55 mph limit. Nighttime \$12 .50 to \$100 fine 3 points on driving record	Same
NEBRASKA	By Law	\$10 to 500 maximum Points	Fine limited to \$10 between 55 and 65 mph - No court costs and no points
NEVADA	By Law	\$500 fine maximum 6 months jail - maximum No points	Same
* NEW HAMPSHIRE	By Administrative Order	\$50 fine maximum No points	\$100 fine - maximum
NEW JERSEY	By Law	\$200 fine - maximum 10 days jail maximum points	Same
NEW MEXICO	By Law Only as long as Federal Government requires it	\$15 fine - up to 15 mph over limit - No points	Legislation now sets minimum fine of \$5 for speeds between 55 and 70 mph
NEW YORK	By Law	\$100 fine - maximum 30 days jail - maximum - points	Same
NORTH CAROLINA	By Law	\$100 fine - maximum 60 days jail - maximum - No Points	Same- plus PTS may be applied
NORTH DAKOTA	By Law	\$20 fine - over 55 less than 70 mph - \$40 fine over 70 mph Points	Same
OHIO	By Law	\$50 fine - maximum Points	Same
* OKLAHOMA	By Law Only as long as Federal law in effect	\$10 to 200 fine 5 days to 30 days in jail No points	Cannot record violation in driver record or cancel insurance for exceeding 55 mp



*OREGON	By Law	\$100 fine - maximum 10 days jail - maximum No points	Sets maximum fine of \$15 Not recorded in driver file cannot suspend or revoke license for accumulation of over 55 mph speeding violations.
PENNSYLVANIA	By Law	\$10 fine set No points	Same
*RHODE ISLAND	By Law	\$15 fine - 1 to 5 mph over 55 \$20 fine 6 to 10 mph over 55 \$25 fine 11 to 15 mph over 55	Same
SOUTH CAROLINA	By Law	\$100 fine maximum No points	\$100 fine maximum - 10 mph or less over 55 - 2 points - over 10 mph above 55 mph - 4 points
SOUTH DAKOTA	By law during energy conservation emergency	\$100 fine - maximum No points	Fine \$2 per mile over 55 mph plus court costs. 2 points - 1 to 5 mph over 55 - 4 points 11-20 mph over 55 - 6 points 20 plus mph over 55 on non interstate high- ways. On Interstate system 1-20 mph over 55 - 2 points 20 mph plus over 55 - 4 points,
*TENNESSEE	By Law	\$2 to \$50 fine - 30 day jail maximum. No points	Between 55 and 75 no court cost and not entered in driver record Reckless driving may not be charged
TEXAS	By commission under authority of law. Will change if Fed. law changes.	\$1 to \$200 fine No points	Same
UTAH	By law - can be changed by commission or legislation	\$300 fine - maximum 6 months jail - maximum Points	Same
*VERMONT	By law - traffic committee	\$10 plus \$1 per mile over 55 mph No points	\$15 plus \$2 per mile over 55 mph
VIRGINIA	By executive order but now also by law	\$10 to 100 fine - No points	Same
*WASHINGTON	By State highway commission under State law	\$250 fine - maximum 90 days jail - maximum No points	Same

WEST VIRGINIA	Commissioner of highways	\$10 to 100 fine Points	Same
WISCONSIN	By Law	\$20 to \$200 fine - Points	Same
* WYOMING	Executive Order	\$100 fine maximum - No points	\$200 maximum fine - No points between 55 and 75 mph - 1 point for each mile above 75 mph
PUERTO RICO	By Law	\$50 fine - maximum 10 day jail - maximum No points	Same
*These States have no point system			



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

October 18, 1977

MEMORANDUM FOR: RICK HUTCHESON  
THE WHITE HOUSE  
THROUGH: Bo Cutler  
FROM: Dennis O. Green  
SUBJECT: Compliance with the 55 mph Speed Limit

Of the five recommended courses of action listed on page two of Secretary Adams' memorandum to the President, only recommendation #3 gives us substantial cause for concern. Under this recommendation, DOT proposes a \$30-50 million 55 mph enforcement program to be included in the Administration's 1979 highway/transit authorizing legislation due to be submitted to the Congress by January 1978. We oppose this recommendation for the following reasons:

- Funding Usage. It is not at all clear what the funding would be used for. The attached Report to the President on Compliance with the 55 mph Speed Limit simply states that the funding would "assure continuity of funding for the agencies which must hire personnel to conduct the enforcement program" (p. 8).
- Funding Levels. No rationale is provided regarding the appropriateness of a \$30-50 million program level. In fact, the attached Report to the President (p. 7) indicates that: (a) "the additional funds required to mount and sustain an adequate enforcement effort throughout the Nation is not precisely known"; and (b) the International Association of Chiefs of Police indicates that an annual \$275 million program "would be required to assure satisfactory compliance levels." (The \$275 million estimate is based on a 20% increase in existing state police traffic enforcement budgets). In short, the budget liability is potentially very large.
- Existing Sources of Funds. DOT, through the National Highway Traffic Safety Administration (NHTSA), already is supporting 55 mph compliance. Specifically, NHTSA has a highway safety grant program which states can apply to 55 mph enforcement. Whereas the Administration had proposed a \$129 million budget level for the safety grant program in 1978, Congress increased the funding by \$43 million to \$172 million. NHTSA indicates that about \$30 million of the 1978 increase will be used for 55 mph enforcement--especially for highway police equipment purchases. Given the availability of this source of funds in 1979 and future years (with safety grant funding at \$179 million or higher), we believe that creation of a new category

of funding would be wasteful and duplicatory, and would be inconsistent with the Administration's desire to reduce the number of narrowly-circumscribed transportation accounts.

- Federal/State Roles. In a larger sense, irrespective of funding levels and funding usage, we are concerned over Federal intrusion into states' exercise of their traditional police powers. By funding state enforcement efforts, the Federal Government would be implying that: (a) it believes that the states as a whole are not adequately enforcing the speed limit, despite the fact that all states have the speed limit on their books; and (2) the Federal Government must intervene to assure adequate enforcement of the speed limit. We believe that the Federal Government should be extremely careful when intruding on traditional state responsibilities, and we are not convinced that DOT has considered all the ramifications.

In conclusion, we oppose a new \$30-50 million 55 mph enforcement program as currently proposed by DOT. Instead we recommend that DOT continue to encourage states to use already-available NHTSA highway safety grants for purposes of 55 mph enforcement. If selected states refuse to enforce the limit properly, DOT has the option of imposing sanctions as authorized in law.

Attachment

THE WHITE HOUSE

WASHINGTON

October 18, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

STU EIZENSTAT *Stu*

SUBJECT:

Secretary Adams' memo re:  
Report on Compliance with the  
55 Mile Per Hour Speed Limits  
and Recommendations for Federal  
Action

Discussion

Secretary Adams' memo summarizes the findings of the report which you requested on national compliance with the 55 mph speed limit. DOT found (1) that highway speeds, which dropped significantly during 1974-75, are gradually increasing, and (2) that the public and state officials support this speed limit even as observance decreases. The report notes that the rate of traffic deaths and the rate of fuel consumption have increased in 1975 and 1976 with the rise in violations of the 55 mph speed limit.

Based on interviews with governors, state police officials and others DOT recommends implementing an aggressive education program and providing states with more assistance in order to enforce the speed limit. Adams recommends that the Administration submit a dedicated allocation of \$30 to \$50 million within the National Highway Traffic Safety Administration (NHTSA) program structure for this assistance.

Although the report clearly reveals the need for better enforcement of the 55 mph speed limit, it does not make a case for a new federal allocation to assist state efforts. The report notes that there are two existing sources of funds available to the states, federal aid highway money and state/community highway safety grants (the latter in FY'78 is funded at a level of \$172 million). It is clear from the report that states have been reluctant to use these sources for various reasons, one of which is that many see enforcement of this law as a Federal responsibility. A request for new sources of funds, at this time, seems premature given the finding in the DOT report that,

"the additional funds required to mount and sustain an adequate enforcement effort throughout the nation is not precisely known. Given the enormous road mileage involved (approximately 40,000 miles of interstate highways, and over 55,000 miles of main rural highways), and the variance in state police salaries and fringe benefits, it is very difficult to determine exact needs at this time."

The figure for additional funding proposed by DOT may have been influenced by the fact that Congressman James Howard, Chairman of the House Surface Transportation Subcommittee, has introduced a bill which would authorize \$50 million per year of dedicated funding for 55 mph during FY'79 through FY'82.

#### Recommendation

I recommend that you support Adams' suggestions for a re-emphasis on DOT existing efforts in this area (Adams memo, recommendations #1,2 and 5). On the items which call for Congressional action (Adams memo recommendations #3 and 4), I recommend that you not support these, at this time. Because existing law gives the Secretary of DOT great leverage in enforcing the speed limit, it appears appropriate for DOT to present options for enforcement by administrative action as alternatives to requesting new funds from Congress. Developing methods to encourage states to use the available sources of funds may render a proposal for additional money unnecessary.



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590  
OCT 14 1977

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Report on Compliance with the 55 Mile Per Hour  
Speed Limit and Recommendations for Federal  
Action

During our meeting on August 31, 1977 to discuss the 55 mile per hour speed limit, you requested a report on "the status of speed limit compliance throughout the country" to be submitted along with recommendations for improving the Federal 55 mph program.

Attached is a copy of my report. The findings are as follows:

1. Highway speeds, after dropping significantly in 1974, and remaining at 1974 levels in 1975, are gradually increasing. In 1976, the average speed of free-flowing vehicles was 58.0 mph on rural interstate highways, and 56.0 on urban interstates, as compared to 57.6 mph and 54.7 mph respectively for 1975.
2. A significant portion of motorists violate the 55 mph speed limit. The percentages of vehicles exceeding 55 mph by state during the first half of 1977 ranged from 30.5 to 77 percent. The percent of vehicles exceeding 60 mph ranged from 7.5 to 40 percent.
3. Highway deaths increased from 46,011 in 1975 to 46,820 in 1976, the first fatality increase since enactment of the 55 mph speed limit.
4. The 55 mph speed limit saved at least 1 billion gallons of gasoline in 1975. If all motorists observed the speed limit, some 73 million barrels or more than 3 billion gallons of gasoline would be conserved annually.
5. Public support for the speed limit, as reflected in public opinion polls, is high, even as observance decreases.

6. State enforcement officials support the 55 mph program, but indicate a need for additional financial assistance and technical support, as well as expanded public information and political support.

7. Performance standards against which to measure state enforcement of the 55 mph speed limit should be developed.

Based on these findings, I recommend the following actions to improve the Federal 55 mph program.

1. Implement an aggressive, long-term public information and education program designed to achieve increased voluntary motorist compliance;

2. Continue to emphasize the Federal commitment to the speed limit through speaking platforms and discussions with state officials; take steps to assure that Federal employees and vehicles are in compliance with the speed limit;

3. Seek dedicated Federal funding assistance for State enforcement. It is recommended that the Administration include within the surface transportation program to be submitted to the Congress a dedicated allocation of \$30 to \$50 million within the National Highway Traffic Safety Administration program structure in order to assure continuity of funding for the agencies which must hire personnel to conduct the enforcement program;

4. Request authority from Congress to establish Federal 55 mph compliance standards, to be based on a graduated schedule for achieving an ultimate goal of 85 percent compliance with the 55 mph speed limit by 1982;

5. Provide Federal technical assistance to states to improve enforcement.

With respect to the recommendations for an aggressive public support program and re-emphasis of the Federal commitment, the Department of Transportation is already taking steps to expand efforts in these areas. In addition, DOT will provide technical assistance to states for development of 55 mph enforcement techniques.

The recommendations with respect to Federal funding assistance for state 55 mph enforcement, and Federal performance standards based on 85 percent compliance with the speed limit, will require congressional action. I will



initiate the necessary review and clearance process with the Office of Management and Budget with respect to these legislative proposals following your approval.

Respectfully,

A handwritten signature in cursive script, reading "Brock Adams". The signature is written in dark ink on a white background.

Brock Adams

Attachment

REPORT TO THE PRESIDENT  
ON COMPLIANCE WITH THE 55 MPH SPEED LIMIT

Submitted by:

The Secretary of Transportation  
October 7, 1977

REPORT TO THE PRESIDENT ON COMPLIANCE  
WITH THE 55 MILE PER HOUR SPEED LIMIT

I. INTRODUCTION

On August 31, 1977, National Highway Traffic Safety Administrator Joan Claybrook, General Benjamin O. Davis, Jr., my Special Assistant for 55 mph, and I met with you to discuss the national 55 mile per hour speed limit. You directed the preparation of a report on "the status of speed limit compliance throughout the country," to be submitted in 30 days, along with recommendations from the Secretary of Transportation for improving the Federal 55 mile per hour program. This report is in fulfillment of your directive.

Since the August 31 meeting, General Davis has met with state governors and safety officials around the country to discuss the 55 mph speed limit, to learn of state enforcement problems, and to solicit advice on how the Federal government might assist the states. Meetings were held with the following: Governor Ella T. Grasso of Connecticut; Governor Michael T. Dukakis of Massachusetts; Governor Cliff Finch of Mississippi; Governor Robert W. Straub of Oregon; Governor Thomas L. Judge of Montana; Governor Robert D. Ray of Iowa; and Governor-to-be Wesley Bolin of Arizona. Meetings were held with the Governors' Highway Safety Representatives in Tennessee and Missouri.

These visits were quite productive, and all governors expressed their support of the speed limit and pledged their cooperation.

These meetings and discussions and other meetings which General Davis has had during the past year-and-a-half, together with the enforcement and compliance data collected by the States and furnished to the Department of Transportation, form the basis of this report on compliance with the 55 mile per hour speed limit.

II. STATUS

The 55 mile per hour national maximum speed limit (NMSL) was initially enacted as a temporary measure on January 2, 1974, as part of the Emergency Highway Energy Conservation Act. Congress made the speed limit permanent through provisions in the Federal-Aid Highway Amendments of 1974,

effective January 4, 1975. The statute establishes a national maximum limit by requiring the Secretary of Transportation to withhold approval of all Federal-aid highway projects from any State which fails to establish a maximum speed limit of 55 miles per hour or fails to certify annually to the Secretary that it is enforcing the speed limit.

#### B. Highway Speed Trends

Passage of the 55 mph speed limit in 1974 had an immediate and dramatic impact on American driving patterns. Average vehicle speeds (of free-moving vehicles only) on rural Interstate highways dropped from 65.0 mph in 1973 to 57.6 mph in 1974, an 11.4 percent decrease in one year. The percentage of vehicles exceeding 55 mph on rural Interstates decreased from 89 to 65 percent, while the percentage exceeding 60 mph dropped from 72 to 29 percent. These gains were for the most part maintained in 1975. The 1976 statistics, however, evidence the first discernible speed trend increase in national speeds on the Interstate system since the oil embargo of 1973. Speed increases were modest, totalling 0.7 percent on rural Interstate highways and 2.3 percent on urban Interstates, and 1976 speeds were still substantially below 1973 levels on rural Interstates.

However, comparison of data for the first six months of 1977 with speed data from the first six months of 1976 evidences the continuing gradual increase in speeds. In 1976, 16 states and Puerto Rico had average speeds of 55 mph and below with 34 states above; only 10 states and Puerto Rico registered average speeds at 55 mph and below in 1977, with 40 states above. The 85th percentile speeds for the first six months of 1977 compared to the same period in 1976 rose in 27 states, decreased in 20 states, and remained even in 4.

In sum, highway speeds are increasing as more and more motorists choose to violate the 55 mph speed limit. Speeds have not yet approached the high levels which existed prior to enactment of the speed limit. Nevertheless, these small but perceptible increases mark a trend toward increasing speeds and indicate that the impressive gains of 1974 and 1975 are being eroded.

#### C. Fatality Trends

The major impact of the 55 mph speed limit has been the saving of lives. Since World War II, highway deaths had risen by an average of 1,044 deaths per year, to a 1972

high of 56,275 fatalities. Fatalities dropped slightly in 1973 with the onset of the oil embargo. Then in 1974, the first year of the 55 mph speed limit, highway deaths dropped by an astonishing 9,353 fatalities. This 16.8 percent decrease marked the largest one-year absolute fatality reduction since 1942, and the second largest absolute decrease in U.S. motor vehicle history. The 1974 total fatality figure of 46,286 marked a ten year low, the fewest U.S. traffic deaths since 1963.

Moreover, the annual fatality rate (fatalities per 100 million vehicle miles) which had decreased by an average of 4.2 percent per year since passage of the Highway Safety Act of 1966, dropped 14.7 percent in 1974. Fatality rates are perhaps a better safety index than the absolute number of fatalities, since the number of fatalities is affected by the extent to which vehicle miles traveled increase or decrease.

Many factors played a role in reducing traffic fatalities in 1974, including automobile safety features, increased use of safety belts, and, particularly, the significant reduction in travel in the first half of 1974. Nevertheless, studies conducted by both the government and the private sector have consistently attributed at least 50 percent of the 1974 fatality reduction to the 55 mph speed limit. These studies have been borne out by the fact that 1975 fatalities decreased even further despite increases in travel to levels higher than those in 1973. The 55 mph speed limit is generally regarded as the single most important factor in reducing highway deaths since 1973, and perhaps the most important safety measure in modern times.

Unfortunately, 1976 marked the first increase in highway traffic deaths since enactment of the 55 mph speed limit -- an increase of 809 fatalities or 1.8 percent over the previous year. The major reason for this increase was more highway travel, rather than higher speeds; U.S. highway travel in 1976 rose by an estimated 6.5 percent, to a total of 1,416 billion vehicle miles.

Finally, it should be noted that the 55 mph speed limit has not only saved lives, but has reduced the number of significant injuries. Neurologist Dr. Simon Horenstein told an American Medical Association convention in 1976 that the number of spinal cord injuries caused by auto accidents had dropped by 60 to 70 percent at his hospital,

with the most important factor being the reduced speed limit. The Epilepsy Foundation of America recently issued a report that states, "The 55 mile per hour speed limit has proved to be the single most important preventive for new cases of epilepsy because it has reduced the number of head trauma injuries resulting from automobile accidents." The report estimated that the speed limit has prevented at least 90,000 epilepsy-causing head injuries each year.

#### D. Energy Implications

Though originally enacted as a fuel conservation measure, the 55 mph speed limit has not had the same dramatic effect on saving fuel as lives. Nevertheless, it is estimated that highway fuel consumed in 1975 was 0.8 to 2.9 percent less, as a result of slower driving speeds than would have been expected based on 1962-1972 growth rates. If not for the 55 mph speed limit motorists would have consumed at least one billion more gallons of gasoline in 1975. It is estimated hypothetically that if all vehicles today observed the 55 mph speed limit, some 200,000 barrels, or 8.4 million gallons of gasoline (assuming 42 gallons per barrel) would be conserved per day.

Apart from individual motorists, there are significant savings to be gained by truck and bus companies. Mr. Fred Curry, Board Chairman for Continental Trailways, has stated that his fleet saved 1,200,000 gallons of diesel fuel in 1976 by driving at 55 mph. Assuming an average cost of diesel fuel of \$.45 per gallon, total one year savings approximated \$540,000. Other savings for buses and trucks may result from reduced maintenance, longer tire wear, and increased engine life. Both the American Trucking Association and the Teamsters Union support 55 mph.

#### III. PUBLIC SUPPORT FOR 55 MPH

Public support for and observance of the 55 mph speed limit were impressive during 1974 as speeds dropped dramatically. As seen from current speed monitoring statistics, however, the level of observance is decreasing. Ironically, public support of the measure remains high even as fewer people obey. A Gallup Poll released on March 31, 1977 indicates that 76 percent of those polled favor keeping the 55 mph speed limit, while 22 percent oppose. Seven state and local surveys were taken in late 1976 and early 1977, and support for the speed limit ranged from 58 to 87 percent, while opposition ranged from 14 to 37 percent.

Given this support for keeping the speed limit, it is difficult to pinpoint the reasons for increased lack of actual observance on the highways. The impact of seeing other motorists speed may be one factor. Skepticism over an energy crisis may be another factor. Finally, there is often an "it only happens to someone else" attitude with respect to highway fatalities which often blunts the logic and effectiveness of the safety argument for 55 mph. Whatever the reasons, it is clear that the potential exists for voluntary cooperation.

Since passage of the 55 mph limit, the Department of Transportation has taken several steps to increase voluntary compliance. DOT has, with the cooperation of the Advertising Council, developed an all-media 55 mph campaign including television commercials, radio spots, newspaper and magazine advertisements, bumper stickers, and flyers. The original slogan of this campaign -- "It's Not Just a Good Idea, It's the Law" -- has been revised to the more positive theme -- "It's a Law You Can Live With." In 1976, all media donated at least \$27 million in free advertising time for the 55 mph campaign. But this is not sufficient. We need to reach a broad segment of the population with some regularity.

In addition DOT has distributed free promotional material to the states. DOT representatives have met with numerous enforcement, highway safety, and motorist groups to enlist their active support and participation in the 55 mph effort.

#### IV. STATE ENFORCEMENT OF THE 55 MPH SPEED LIMIT

##### A. State Laws

All States established 55 mph speed limits in timely fashion after enactment of the national statute. The effectiveness of these statutes, however, depends in part on the penalties assessed for their violation. Current state penalties range from a fine of up to \$500 plus assessment of points in Maryland to a \$5 fine and no points in Idaho. Between 1974 and January 1977, nine states have increased their penalties for violation of the speed limit. Seven states have enacted less severe penalties -- Iowa, Kansas, Kentucky, Nebraska, Oklahoma, Oregon, and Tennessee. None have done so since I took office.

A trend toward lower penalties has become more evident in the last six months. Some state legislatures have apparently determined that they can blunt the effectiveness of the speed limit by rendering penalties virtually meaningless. This approach maintains the official 55 mph speed limit, but in effect "nibbles" away at the limit by decreasing or eliminating the deterrent.

I sent telegrams to all state governors on March 25, 1977, expressing concern over the growing trend toward reduction of penalties, and warned that any significant lessening of penalties would raise a "substantial question" as to whether that State is "enforcing" the speed limit within the meaning of the Federal law. Since that time, the governors of North Dakota, South Dakota, Utah, and Texas have vetoed legislation to weaken 55 mph penalties. While these vetoes are encouraging, the passage of legislation by the respective state houses evidences the current lack of support among many state legislatures.

#### B. Enforcement Activity

The 55 mph speed limit imposed new and massive speed enforcement responsibilities on state law enforcement agencies. Although no additional Federal funds were provided to assist the police in enforcing the speed limit, speeding citations have increased significantly from 5,661,617 in 1973 to 7,813,875 in 1976, and most state police agencies are still conducting intense and innovative speed limit enforcement programs. Nonetheless, as discussed previously, speeds are again increasing and a majority of motorists do not comply with the limit.

The police strongly support the 55 mph speed limit, and the International Association of Chiefs of Police has passed a resolution of endorsement. However, in the face of fixed or decreasing budgets, uncooperative state legislatures, and increasing demands for other police services, police are having difficulty in sustaining the increased enforcement levels necessary to obtain acceptable speed limit compliance levels.

Police administrators state that unless state law enforcement agencies are provided with additional funds sufficient to mount and sustain adequate and long range speed enforcement efforts, especially on the Interstate system, speeds will continue to increase.

#### C. Funding for Enforcement

State enforcement programs are currently funded primarily with state funds, with some Federal assistance provided on a project-by-project basis through Federal highway safety funds apportioned to the states annually under the state/community highway safety program (23 U.S.C. 402). States may also use Federal-aid highway planning money to conduct



their speed monitoring surveys. State legislatures have often refused to provide additional state funds to enforce what they believe is a "Federal law."

FY 1978 DOT appropriations provide \$122 million for the state/community highway safety program. In addition, Congress voted an additional \$43 million for high impact programs such as alcohol safety, selective enforcement, and the 55 mph speed limit. States are not required, however, to use any of this funding for 55 mph programs, and the funds actually allocated to 55 mph depend solely on the discretion of state highway safety officials. I have asked state officials to apply \$30 million of these high impact funds towards 55 mph enforcement.

The additional funds required to mount and sustain an adequate enforcement effort throughout the nation is not precisely known. Given the enormous road mileage involved (approximately 40,000 miles of interstate highways, and over 550,000 miles of main rural highways), and the variance in state police salaries and fringe benefits, it is difficult to determine exact needs at this time.

The International Association of Chiefs of Police recently conducted a survey of all state law enforcement agencies to determine 55 mph funding needs. The survey concluded that Federal funding of \$50 million for the first year, and \$275 million per year thereafter, would be required to assure satisfactory compliance levels. This estimate is based on a 20 percent increase in existing state police traffic enforcement budgets.

Congressman James Howard, Chairman of the House Surface Transportation Subcommittee, has introduced the Surface Transportation Assistance Act of 1977 which, among other provisions, would authorize \$50 million per year of dedicated funding for 55 mph during FYs 1979, 1980, 1981, and 1982.

## V. RECOMMENDATIONS

Based on the findings presented in this report, I offer the following recommendations for improving the Federal 55 mph program.

A. Implement an aggressive, long-term public information and education program designed to achieve increased voluntary motorist compliance.

B. Continue to emphasize the Federal commitment to the speed limit through speaking platforms and discussions with state officials; take steps to assure that Federal

employees and vehicles are in compliance with the speed limit.

C. Seek dedicated Federal funding assistance for state enforcement. It is recommended that the Administration include within the surface transportation program to be submitted to the Congress a dedicated allocation of \$30 to \$50 million within the National Highway Traffic Safety Administration program structure in order to assure continuity of funding for the agencies which must hire personnel to conduct the enforcement program.

D. Request authority from Congress to establish Federal 55 mph compliance standards, to be based on a graduated schedule for achieving an ultimate goal of 85 percent compliance with the 55 mph speed limit by 1982.

E. Provide Federal technical assistance to states to improve enforcement.